

COASTAL VIRGINIA OFFSHORE WIND COMPENSATION PROGRAM PROTOCOL

Revised 2.20.26

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I. INTRODUCTION

Appendix V-3 of the Coastal Virginia Offshore Wind (“CVOW”) Construction and Operations Plan (the “COP”) established a three-part Fisheries Compensatory Mitigation Plan to provide an approved process and methodology to compensate the local fishing industry for potential adverse impacts resulting from the Dominion Energy Virginia (“Dominion Energy”) CVOW Commercial Project (the “Project”). First, the CVOW Fisheries Compensatory Mitigation Fund (the “Fund” or the “Program”) provides up to \$40 million in monetary compensation to qualified commercial fishing businesses, for-hire recreational fishing businesses, and shoreside direct businesses that experience eligible documented economic losses¹ resulting from the Construction, Operations and Maintenance, or Decommissioning of the “Project.” Second, the CVOW Surfclam Compensatory Mitigation Fund (the “Surfclam Fund” or the “Surfclam Program”) provides up to \$3 million in monetary compensation to qualified commercial Atlantic surfclam fishing businesses and commercial shoreside Atlantic surfclam businesses that experience eligible documented economic losses resulting from Construction, Operations and Maintenance, or Decommissioning of the Project.² Third, the CVOW Gear Loss Compensation Program (the “Gear Loss Program”) provides as-needed compensation for eligible loss of, or damage to, commercial fishing gear occurring within the Lease Area (as defined in the COP), or the Offshore Export Cable Route Corridor (as defined in the COP, collectively with the Lease Area, the “Offshore Project Area”), and related to the Construction, Operations and Maintenance, or Decommissioning of the Project.

The COP mandated that Dominion Energy retain a neutral third-party administrator that is agreeable to both Dominion Energy and the Virginia Marine Resources Commission (“VMRC”) to “receive claims, make claims determinations, and pay or deny claims, as appropriate” for the Program and the Surfclam Program. COP, App. V-3, §§ 3.7.2 & 3.8.3. BrownGreer PLC was contracted to perform these roles and serves as the “Program Administrator” for both funds. Dominion Energy is self-administering the Gear Loss Program.³

This Protocol sets out the requirements for participation in, and compensation from, the Fund and the Surfclam Fund, as detailed in the COP and refined through engagement with affected stakeholder communities.

¹ As used throughout this document, the phrases “economic losses” and “loss of, or damage to, commercial fishing gear” apply only to such losses or damage attributable to the Construction, Operations and Maintenance, and/or Decommissioning of the Project.

² The Fund is capped at \$40 million, and the Surfclam Fund is capped at \$3 million. If qualified claim payments collectively reach these levels under each respective fund, no further claims will be paid from that fund.

³ Details on the Gear Loss Program, including eligibility and claims process requirements, are not covered by this Protocol. Information on the Gear Loss Program may be found in the COP at App. V-1, Attachment D, and App. V-3, Section V-3.6, and the Gear Loss claim form is accessible through this direct link:

https://coastalvawind.com/resources/docs/gear_loss_claim_form.pdf.

II. DEFINITIONS

All capitalized terms used in this Protocol have the meaning established in the COP unless otherwise defined here:

- 1. Claimant Qualification Form.** The form that is available at www.CVOWFisheriesCompensation.com in which Commercial and For-Hire Fishing Businesses provide information to prove they are Qualified Fishing Entities or Qualified Surfclam Fishing Entities.
- 2. Construction.** For the purposes of this Protocol, the period from the first seabed disturbing activity following approval of the CVOW COP that occurred on February 11, 2024, through the date on which all turbines are installed, and the Project is delivering commercial power to the point of interconnection.
- 3. Commercial Fishing Entity.** A vessel or business entity (corporation, limited liability company, partnership, sole proprietorship, or similar legal form) engaged in commercial fishing operations and all its assets (vessels, equipment, etc.).
- 4. Crew Members.** Individuals regularly and customarily employed as of October 30, 2023, by a Qualified Fishing Entity, including deckhands and other vessel-based employees engaged in commercial or for-hire fishing activity.
- 5. Decommissioning.** The period during which the dismantling, removal, and disposal of CVOW components, including turbines, foundations, cables, and associated infrastructure, occurs, through the end of site restoration.
- 6. Economic Loss Claim Form.** The form that is available at www.CVOWFisheriesCompensation.com in which Qualified Fishing Entities and Qualified Surfclam Fishing Entities provide information that proves an eligible single-year economic loss.
- 7. Eligible Economic Loss.** A documented economic loss resulting from the Construction, Operations and Maintenance, or Decommissioning of the Project, which may include:
 - (a) Reduction in the number of trips a vessel can take due to Project-related closures, or lost/damaged gear;
 - (b) Reductions in harvest or catch-per-unit-of-effort of targeted species, or other adverse impacts to the fishery;
 - (c) Increased expenses owing to construction closures or presence of Project structures;
 - (d) Displacement of fishing activities from the Offshore Project Area, or impacted vessel lanes;

- (e) For Qualified Fishing Entities with a demonstrated use of nearby Non-Lease Areas during the Qualifying Period, increased competition as a result of displacement of fishing activity from the Offshore Project Area;
 - (f) Other compensable direct or indirect losses caused by the Project (including lost shoreside business); and/or
 - (g) Third-party costs associated with preparing claims.
8. **For-Hire Fishing Entity.** A vessel or business entity (corporation, limited liability company, partnership, sole proprietorship, or similar legal form) engaged in for-hire recreational fishing operations.
 9. **Level of Effort.** The extent and intensity of a claimant's fishing activity during a given period, as reflected by the resources deployed to harvest fish including, without limitation, the number of vessels operated, the frequency, consistency, and duration of fishing trips, the number of crew members used, and the fishing methods employed.
 10. **Loss Period.** The period from February 11, 2024⁴, through December 31, 2059.
 11. **Operations and Maintenance.** The period from the close of Construction through the day before Decommissioning.
 12. **Permit.** Any federal or state authorization, license, or approval required for lawful commercial or for-hire recreational fishing activity.
 13. **Qualified Fishing Entity.** A Commercial or For-Hire Fishing Business or a vessel with Qualifying Permit and Fishing History that, at the time of submission of its first claim, demonstrates to the Program Administrator satisfaction of the criteria set out in Sections III.3 and IV.B.1.
 14. **Qualified Shoreside Businesses.** A Shoreside Businesses that, at the time of submission of its first claim, demonstrates to the Program Administrator satisfaction of the criteria set out in Sections III.3 and IV.C.1 or V.C.1.
 15. **Qualified Surfclam Fishing Entity.** A Commercial Fishing Business or a vessel with Qualifying Permit and Fishing History that, at the time of submission of its first claim, demonstrates to the Program Administrator satisfaction of the criteria set out in Sections III.3 and V.B.1.
 16. **Qualifying Period.** The three-year period of October 30, 2020, through October 30, 2023.
 17. **Qualifying Permit and Fishing History.** The record of fishing activities associated with an individual, business, or vessel, including all prior holders, transfers, or renewals relevant

⁴ Claims could not accrue before Construction began.

to demonstrating lawful fishing activity within the Qualifying Period or Loss Period, including, but not limited to information which is:

- (a) required to be reported to VMRC pursuant to 4VAC20-610-60(H); and/or
- (b) associated with a National Marine Fisheries Service Greater Atlantic Regional Fisheries Office and/or Southeast Regional Fisheries Office permit number.

18. Shoreside Claimant Qualification Form. The form that is available at www.CVOWFisheriesCompensation.com in which Shoreside Businesses provide information to prove they are Qualified Shoreside Businesses.

19. Shoreside Economic Loss Claim Form. The form that is available at www.CVOWFisheriesCompensation.com in which Qualified Shoreside Businesses provide information that proves an eligible single-year economic loss.

III. CLAIM FILING TIMELINES & QUALIFICATIONS

The following timelines apply to all claims:

1. **Loss Period.** The Fund and Surfclam Fund cover Eligible Economic Loss Claims experienced during the Loss Period. Only the following may bring claims: Qualified Fishing Entities, Qualified Surfclam Fishing Entities, and Qualified Shoreside Businesses.

Each claim relates to all qualifying losses experienced within a single calendar year from January 1st through December 31st.

2. **Claims Period.** Claims to the Fund and Surfclam Fund must be filed within two calendar years of the year of claimed loss (*i.e.*, claims for 2024 would be due by December 31, 2026). The filing deadline for all claims is December 31, 2061. A single claim includes all Eligible Economic Losses experienced by the claimant in any given calendar year, and claimants may file only one claim for losses experienced within a single calendar year. Claimants who experience Eligible Economic Losses in more than one calendar year may file a new claim for each year in which an Eligible Economic Loss occurred.

3. **Program Qualification and Claims Eligibility.** Claimants must demonstrate both (1) their initial qualification to submit claims and (2) the eligibility of each claim. Claimants need only demonstrate program qualification (Sections IV.B.1, IV.C.1, V.B.1, or V.C.1) once, either prior to, or contemporaneous, with their initial claim; qualification then attaches to either that business entity or vessel as a “Qualified Fishing Entity” a “Qualified Surfclam Fishing Entity” or a “Qualified Shoreside Business.” A claimant (as a Qualified Fishing Entity, Qualified Surfclam Fishing Entity, or a Qualified Shoreside Business) also must file for and demonstrate claims eligibility and satisfaction of relevant criteria (see Sections IV.B and V.B for fisheries and surfclam fisheries, and Sections IV.C and V.C for shoreside businesses) for each claimed year of loss, and for each loss event/item within that year. Claimants may designate an individual or agent to make submissions required by the Fund or Surfclam Fund.

IV. CVOW FISHERIES COMPENSATORY MITIGATION FUND

A. OVERVIEW.

To participate in the Program, each Commercial and For-Hire Fishing Entity will have to establish that it (1) is a Qualified Fishing Entity and (2) experienced an Eligible Economic Loss.

Details on entity qualification, claims eligibility, and other requirements specific to each entity type follow in Sections IV.B and C, below. Double-recovery is not allowed (*i.e.*, if a vessel lessee files a claim the vessel owner cannot also recover for the same losses).

B. COMMERCIAL AND FOR-HIRE RECREATIONAL FISHING ENTITIES.

1. Qualification Criteria.

To qualify to participate in the Program as a Qualified Fishing Entity, a Commercial or For-Hire Fishing Entity must demonstrate:

- (a) The lawful use of the Offshore Project Area for similar fishing purposes as those claimed to be impacted by the Project (*i.e.*, use of similar gear and similar target species) within the Qualifying Period; or
- (b) The lawful use of the nearby non-Lease areas (*i.e.*, within 3 nautical miles (NM) of the Lease Area) for similar fishing purposes as those claimed to be impacted by the Project (*i.e.*, use of similar gear and similar target species) within the Qualifying Period for claims of economic loss caused by increased competition as a result of displacement of fishing activity from the Offshore Project Area.

2. Proof of Qualification.

Commercial and For-Hire Fishing Businesses or vessels must provide the following as proof that they are Qualified Fishing Entities, as applicable:

- (a) A completed Claimant Qualification Form;
- (b) Proof of authority to fish commercially (*e.g.*, valid VMRC Commercial Fisherman Registration License and Seafood Landing License, GARFO/SERO permit, fisheries permit) or, for for-hire recreational fishing businesses, proof of authority to take charters (*e.g.*, a valid charter boat license and/or permit) during the Qualifying Period;
- (c) Proof of vessel ownership/lease (*e.g.*, valid title) during the Qualifying Period;
- (d) Proof of authority to operate vessel (*e.g.*, GARFO operator's permit, valid vessel registration, etc.) during the Qualifying Period;
- (e) Proof of authority to conduct business (*e.g.*, valid business license) during the Qualifying Period;

- (f) Proof of fishing location history (*e.g.*, VMS/VTR/AIS data, harvester/personal logbooks, chart plotter records, proof of homeport, NMFS or VMRC Observer data, etc.) during the Qualifying Period, or a sworn statement where other records are not available or complete;
- (g) Documentation of species type targeted or harvested during the Qualifying Period, authorized by the state or federal permits required above;
- (h) Count of crew routinely and customarily employed and how such crew were paid (*e.g.*, % share, day rate, etc.) during the Qualifying Period; and
- (i) If requested by the Program Administrator for the purposes of auditing the claim, authorization(s) to obtain from government agencies official records of the entity's fishing history during the Qualifying Period or the Loss Period.

3. Establishment of Baseline Economic Activity.

When seeking Qualified Fishing Entity status, the applicant must also provide proof of Level of Effort, fishing location, landings, and revenue from commercial fishing in the Offshore Project Area or nearby non-Lease area for the calendar years 2020, 2021, 2022, and 2023, covering the Qualifying Period. Proof of such includes, but is not limited to, profit/loss statements, harvester/personal logbooks, fishing history, dealer reports, receipt of sales, and tax documents.

4. Administration of Qualified Fishing Entity Approval.

- (a) An applicant need only provide qualification criteria documentation and proof (Sections IV.B.1-2) and baseline economic activity (Section IV.B.3) once.
- (b) Only one entity (*i.e.*, business or vessel) may qualify for the Program based on the same Qualifying Permit and Fishing History.
- (c) If the Qualified Fishing Entity is sold, leased, traded, replaced, or otherwise disposed of, its owner may either transfer the Qualifying Permit and Fishing History to the successor-in-interest to the fishing business or vessel or retain it to qualify a new Commercial or For-Hire Fishing Business or a replacement vessel.
- (d) It is the responsibility of the individual claiming to own a Qualified Fishing Entity to provide the Program Administrator with documentation of the sale, lease, or other change in ownership, including the contract showing the disposition of the Qualifying Permit and Fishing History and any information required in Section IV.B above that has changed (*e.g.*, new owner, business, licenses, etc.).
- (e) The Program Administrator will maintain records of Qualified Fishing Entities.
- (f) If a claimant purchased a Commercial or For-Hire Fishing Business or fishing vessel and associated Qualifying Permit and Fishing History after the Qualifying Period from an entity other than a currently registered Qualified Fishing Entity, the claimant may

still be a Qualified Fishing Entity if the claimant can prove that (a) the business or fishing vessel and associated fishing history acquired was or could have been a Qualified Fishing Entity and (b) the claimant acquired all assets in the transaction necessary to prove the Qualified Fishing Entity Status of the business or fishing vessel and associated fishing history.

5. **Making a Claim.**

For economic loss incurred during the Loss Period, Qualified Fishing Entities must provide:

- (a) A completed Economic Loss Claim Form; and
- (b) Proof of an Eligible Economic Loss, as follows:
 - (1) Proof of Level of Effort, fishing location, landings, and revenue from commercial fishing in the Offshore Project Area or nearby non-Lease area for the calendar year of the claimed economic loss;
 - (2) Sworn written statement explaining why, in claimant's view, any economic loss experienced was caused by the Project; and
 - (3) As needed, a sworn written statement attributing demonstrated revenues to commercial fishing.

C. **SHORESIDE BUSINESSES.**

1. **Proof of Qualification.**

Shoreside Businesses applying for compensation from the Fund must provide the following:

- (a) Completed Shoreside Claimant Qualification Form;
- (b) Proof of authority to conduct business (*e.g.*, valid business license);
- (c) Proof of business location (*e.g.*, utility bills);
- (d) List of Commercial Fishing Business(es) and For-Hire Fishing Business(es) supported through direct, first-transaction sales to, or purchases from, during the period of October 30, 2020, through October 30, 2023.

2. **Establishment of Baseline Economic Activity.**

Shoreside Businesses applying for compensation from the Fund must provide proof of first-transaction sales to, or purchases from, Qualified Fishing Entities for calendar years 2020, 2021, 2022, and 2023, covering the Qualifying Period. Proof of such includes, but is not limited to, logbooks of dates of operation, profit/loss statements, receipt of sales, tax documents, etc.

3. Administration of Qualified Shoreside Business Approval.

- (a) An applicant need only provide qualification criteria documentation and proof (Section IV.C.1) and baseline economic activity (Section IV.C.2) once.
- (b) The Program Administrator will maintain records of Qualified Shoreside Businesses.
- (c) If a Qualified Shoreside Business is sold, leased, traded, replaced, or otherwise disposed of, any such transfer of interest must be registered with the Program Administrator if the successor-in-interest wishes to participate in the Program. It is the responsibility of the Qualified Shoreside Business to provide the Program Administrator with documentation of the sale, lease, or other change in ownership.

4. Making a Claim.

For economic loss incurred during the Loss Period, Qualified Shoreside Businesses must provide:

- (a) A completed Shoreside Economic Loss Claim Form; and
- (b) Proof of an Eligible Economic Loss, as follows:
 - (1) For the calendar year of the claimed loss, proof of reductions in first-transaction sales to, or purchases from fishing entities that would be eligible to qualify for compensation from the program;
 - (2) Sworn written statement demonstrating efforts to support fishing entities that would be eligible to qualify for compensation from the program, during both the Qualifying Period and the calendar year of the claimed economic loss, and explaining why those efforts may differ between the time periods;
 - (3) Sworn written statement explaining why, in claimant's view, any economic loss experienced was caused by the Project; and
 - (4) As needed, a sworn written statement attributing portions of pooled revenues to Qualified Fishing Entities.

V. CVOW SURFCLAM COMPENSATORY MITIGATION FUND

A. OVERVIEW.

To participate in the Surfclam Program, each Commercial Fishing Business will have to establish that it (1) is a Qualified Surfclam Fishing Entity and (2) experienced an Eligible Economic Loss.

Details on entity qualification, claims eligibility, and other requirements specific to each business and claimant type follow in Sections V.B and C below. Double-recovery is not allowed (*i.e.*, if a vessel lessee files a claim the vessel owner cannot also recover for the same losses.

B. COMMERCIAL SURFLAM FISHING BUSINESSES AND VESSELS.

1. Qualification Criteria.

To qualify to participate in the Program as a Qualified Surfclam Fishing Entity, a Commercial Fishing Business or vessel must demonstrate a history of lawful Atlantic surfclam fishing before January 28, 2024, anywhere within Virginia coastal waters or federal waters offshore from Virginia or North Carolina (such fishing need not have occurred within the Offshore Project Area or during the Qualifying Period).

2. Proof of Qualification.

Commercial Fishing Businesses or vessels must provide the following as proof that they are Qualified Surfclam Fishing Entities:

- (a) A completed Claimant Qualification Form;
- (b) Proof of authority to fish for Atlantic surfclams commercially (*e.g.*, valid VMRC Commercial Fisherman Registration License and Seafood Landing License, GARFO/SERO permit, fisheries permit) during their relevant history;
- (c) Proof of vessel ownership/lease (*e.g.*, valid title) during their relevant history;
- (d) Proof of authority to operate vessel (*e.g.*, GARFO operator's permit, valid vessel registration, etc.) during their relevant history;
- (e) Proof of authority to conduct business (*e.g.*, valid business license) during their relevant history;
- (f) Proof of fishing location history (*e.g.*, VMS/VTR/AIS data, harvester/personal logbooks, chart plotter records, proof of homeport, NMFS or VMRC Observer data, etc.) during their relevant history, or a sworn statement where other records are not available or complete;
- (g) Documentation that species type targeted or harvested during their relevant history was Atlantic surfclam, authorized by the state or federal permits required above;
- (h) Count of crew routinely and customarily employed and how such crew were paid (*e.g.*, % share, day rate, etc.) during their relevant history; and
- (i) If requested by the Program Administrator for the purposes of auditing the claim, authorization(s) to obtain from government agencies official records of the entity's fishing history during the Qualifying Period or the Loss Period.

3. Establishment of Baseline Economic Activity.

When seeking Qualified Surfclam Fishing Entity status, the applicant must also provide proof of Level of Effort, fishing location, landings, and revenue from commercial fishing

within Virginia coastal waters or federal waters offshore from Virginia or North Carolina during their relevant history. Proof of such includes, but is not limited to, profit/loss statements, harvester/personal logbooks, fishing history, dealer reports, receipt of sales, and tax documents.

4. Administration of Qualified Surfclam Fishing Entity Approval.

- (a) An applicant need only provide qualification criteria documentation and proof (Sections V.B.1-2) and baseline economic activity (Section V.B.3) once.
- (b) Only one entity (*i.e.*, business or vessel) may qualify for the Surfclam Program based on the same Qualifying Permit and Fishing History.
- (c) If the Qualified Surfclam Fishing Entity is sold, leased, traded, replaced, or otherwise disposed of, its owner may either transfer the Qualifying Permit and Fishing History to the successor-in-interest to the fishing business or vessel or retain it to qualify a new Commercial Fishing Business or a replacement vessel.
- (d) It is the responsibility of the individual claiming to own a Qualified Surfclam Fishing Entity to provide the Program Administrator with documentation of the sale, lease, or other change in ownership, including the contract showing the disposition of the Qualifying Permit and Fishing History and any information required in Section V.B above that has changed (*e.g.*, new owner, business, licenses, etc.).
- (e) The Program Administrator will maintain records of Qualified Surfclam Fishing Entities.
- (f) If a claimant purchased a Commercial Business or fishing vessel and associated Qualifying Permit and Fishing History after February 11, 2024, from an entity other than a currently registered Qualified Surfclam Fishing Entity, the claimant may still be a Qualified Surfclam Fishing Entity if the claimant can prove that (a) the business or fishing vessel and associated fishing history acquired was or could have been a Qualified Surfclam Fishing Entity and (b) the claimant acquired all assets in the transaction necessary to prove the Qualified Surfclam Fishing Entity status of the business or fishing vessel and associated fishing history.

5. Making a Claim.

For economic loss incurred during the Loss Period, Qualified Surfclam Fishing Entities must provide:

- (a) A completed Economic Loss Claim Form; and
- (b) Proof of an Eligible Economic Loss, as follows:
 - (1) Proof of Level of Effort, fishing location, landings, and revenue from commercial Atlantic surfclam fishing within Virginia coastal waters or federal waters offshore from Virginia or North Carolina for the calendar year of the claimed economic loss;

- (2) Sworn written statement explaining why, in claimant's view, any economic loss experienced was caused by the Project; and
- (3) As needed, a sworn written statement attributing demonstrated revenues to commercial Atlantic surfclam fishing.

C. SURFCLAM SHORESIDE BUSINESSES.

1. Proof of Qualification.

Shoreside Businesses applying for compensation from the Surfclam Fund must provide the following:

- (a) Completed Shoreside Claimant Qualification Form;
- (b) Proof of authority to conduct business (*e.g.*, valid business license);
- (c) Proof of business location (*e.g.*, utility bills);
- (d) List of Qualified Surfclam Fishing Entities supported through direct, first-transaction sales to, or purchases.

2. Establishment of Baseline Economic Activity.

Shoreside Businesses applying for compensation from the Surfclam Fund must provide proof reductions in first-transaction sales to, or purchases from, Qualified Surfclam Fishing Entities. Proof of such includes, but is not limited to, logbooks of dates of operation, profit/loss statements, receipt of sales, tax documents, etc.

3. Administration of Qualified Surfclam Shoreside Business Approval.

- (a) An applicant need only provide qualification criteria documentation and proof (Section IV.C.1) and baseline economic activity (Section IV.C.2) once.
- (b) The Program Administrator will maintain records of Qualified Shoreside Businesses.
- (c) If a Qualified Shoreside Business is sold, leased, traded, replaced, or otherwise disposed of, any such transfer of interest must be registered with the Program Administrator if the successor-in-interest wishes to participate in the Program. It is the responsibility of the Qualified Surfclam Shoreside Business to provide the Program Administrator with documentation of the sale, lease, or other change in ownership.

4. Making a Claim.

For economic loss incurred during the Loss Period, Qualified Shoreside Businesses must provide:

- (a) A completed Shoreside Economic Loss Claim Form; and

(b) Proof of an Eligible Economic Loss, as follows:

- (1) For the calendar year of the claimed loss, proof of reductions in first-transaction sales to, or purchases from fishing entities that would be eligible to qualify for compensation from the program;
- (2) Sworn written statement demonstrating efforts to support fishing entities that would be eligible to qualify for compensation from the program, during both the Qualifying Period and the calendar year of the claimed economic loss, and explaining why those efforts may differ between the time periods;
- (3) Sworn written statement explaining why, in claimant's view, any economic loss experienced was caused by the Project; and
- (4) As needed, a sworn written statement attributing portions of pooled revenues to Qualified Surfclam Fishing Entities.

VI. LOSS CALCULATION

Each claim must assert a specific amount of economic loss caused by the Project and support that amount with required documentation. If the Program Administrator determines that a claim is eligible and should receive compensation, claims will be paid out according to the following schematic, except for Surfclam claims:

1. For approved claims attributed to Construction and the first year of Operation, 100% of the claim will be awarded.
2. For approved claims attributed to the second year of Operation, 80% of the claim will be awarded.
3. For approved claims attributed to the third year of Operation, 70% of the claim will be awarded.
4. For approved claims attributed to the fourth year of Operation, 60% of the claim will be awarded.
5. For approved claims attributed to the fifth through thirtieth years of Operation, 50% of the claim will be awarded.
6. For approved claims attributed to Decommissioning, 100% of the claim will be awarded.

For Surfclam claims, subject to the \$3 million life-of-fund cap, the Surfclam Compensatory Mitigation Fund will pay 100% of valid claims, regardless of project phase.

Reasonable third-party costs associated with claim preparation, regardless of claim year, will be awarded at 100%. Only fees incurred by established third-party entities and/or professionals/persons unrelated to the claimant or the claimant's business are eligible for reimbursement.

As part of the claims review process, the claimant, the Program Administrator, and other stakeholders may identify alternative causes for (e.g., fishing quotas, closed fisheries, climate change, natural disaster, service-related shoreside loss, etc.) or offsets to (e.g., abundance of one species due to structures in the Offshore Project Area, partial payment made from a different program, etc.) claimed losses. Any alternative causes and/or offsets will be factored into the final claim valuation, as needed.

VII. CLAIMS ADJUDICATION AND APPEALS PROCESS

- 1. Initial Claims Evaluation.** The Program Administrator will review claim submissions within 180 days of receipt of a complete claim package, with discretionary 60-day extensions, in which case notice will be given to the claimant. The Program Administrator will then issue a determination, with notice to claimant, either (1) approving the claim's eligibility and indicating the amount a claimant will receive, (2) denying the claim's eligibility, or (3) identifying deficiencies in the submission.
- 2. Community and Industry Consultation.** The Program Administrator may consult members of the local fishing industry and other experts at its discretion during claims administration. Any and all feedback from that outreach shall be advisory in nature and are not intended to supersede any authority granted to the Program Administrator under these Protocols.
- 3. Opportunity to Cure.** Claimants whose initial submissions were deficient have 60 days for a one-time opportunity to submit additional materials and/or information to cure the deficiency. The Program Administrator will evaluate additional materials submitted in the same manner as initial claims, provided above.
- 4. Reconsideration.** Claimants who disagree with the Program Administrator's determination have 60 days following issuance of notice of either (a) initial eligibility denial or (b) a post-deficiency cure denial to submit, to the Program Administrator, a written request for reconsideration of that determination and provide any additional information/materials in support of their argument. The Program Administrator will evaluate requests for reconsideration and additional materials submitted in the same manner as initial claims, provided above.
- 5. Appeal.** Appeals of denied claims may be mediated or submitted to binding arbitration in the Commonwealth of Virginia and in accordance with the laws of Virginia. Within six months of notice of denial after reconsideration, claimant, or the claimant's agent, may file a written notice of appeal with the Program Administrator and submit the appeal to an appeals neutral who will manage the appeal and issue a final, non-appealable decision that is binding on the parties involved. Dominion Energy will pay costs of the appeals neutral. The claimant will bear its own costs of appeal but, if the appeal is successful, Dominion Energy will reimburse the claimant for such costs, including reasonable attorney's fees.

VIII. PAYMENT

- 1. Award Acceptance.** Claimants with eligible claims must accept their award and execute the release agreement appearing as Exhibit 1 to this Protocol to receive payment.

2. **Payment Method.** Claimants will have made their payment method election on their completed Economic Loss Claim Form or Shoreside Business Economic Loss Claim Form at the time they submitted their claim.
3. **Payment Schedule.** Payments on accepted awards with completed releases will issue within approximately 30 days of the Program Administrator's verification of the claimant's acceptance and release completion. These payments will issue in batches on a rolling, monthly basis as needed.

IX. PROTOCOL MODIFICATIONS

This Protocol may be modified at any time for any reason to add, remove, or edit provisions as circumstances may warrant.

Exhibit 1

Release of Liability



Coastal Virginia Offshore Wind Compensation Program

Release of Liability

I, _____, (**print name**) have chosen to participate in and submit a claim to the Coastal Virginia Offshore Wind (“CVOW”) Fisheries Compensatory Mitigation Program (the “CVOW Program”) for compensation in relation to documented economic losses incurred and resulting from the construction, operation and maintenance, or decommissioning of the CVOW Commercial Project (the “Project”). By signing this Release of Liability, I acknowledge that the CVOW Program has accepted my claim, calculated suitable compensation based on the information presented in my claim, and offered payment for my claim (less deductions required by law). My acceptance of such payment constitutes full, final, and complete payment for this claim. I agree on behalf of myself, and all my personal representatives, heirs, executors, administrators, agents, representatives, employees, affiliates, business partners, predecessors-in-interest, successors-in-interest, and assigns (the “Releasing Parties”) that neither Virginia Electric and Power Company d/b/a Dominion Energy Virginia (“Dominion Energy”), the Virginia Marine Resources Commission (“VMRC”), the CVOW Program, nor any of their affiliates or joint venture partners, officers, directors, shareholders, employees, agents, representatives, insurers, predecessors, parents, subsidiaries, successors, and assigns (the “Released Parties”) shall have any further outstanding or ongoing obligation with respect to this claim (the “Released Claim”).

I agree that neither I, nor the Releasing Parties, will directly or indirectly assert any claim, or commence, join in, prosecute, participate in, or fund any part of, any suit or other proceeding of any kind against the Released Parties arising out of, related to or concerning in any way the Released Claim. To the extent that any law may at any time purport to preserve my right to hereafter assert any such unknown and/or unanticipated Released Claim, I hereby specifically and expressly waive (to the fullest extent permitted by applicable law) the Releasing Parties’ rights under such law. I acknowledge and agree that the releases set forth in this Release of Liability are irrevocable and unconditional, inure to the benefit of and may be enforced by each Released Party.

I acknowledge that I am, or am authorized to sign on behalf of, the claimant indicated below. I understand that if I do not sign this Release of Liability and return it to the CVOW Program, I will not be entitled to receive any payment. By submitting a claim and this Release of Liability, I consent to the use and disclosure by the CVOW Program of any information about me that is (1) necessary to process my claim for compensation and any payment resulting from that claim or (2) required for state, federal, or other reporting or analysis purposes.

I certify and declare under penalty of perjury that the information provided in my claim is true and accurate to the best of my knowledge, and that supporting documents attached to or submitted in connection with the claim and the information contained therein are true, accurate, and complete to the best of my knowledge, and I understand that false statements or claims made in connection with this claim may result in fines, imprisonment, and/or other remedy available by law to federal and state governments, as appropriate.

Claimant Signature		Date: ____/____/____
Printed Name		