

# CVOW Fisheries Compensatory Mitigation: Commercial Fishing Webinar

June 18, 2025, 5:00pm ET-6:30pm ET

BrownGreer, PLC

# Welcome & Meeting Purpose

- 1. Provide information regarding the CVOW Project and Fisheries Compensation Program**
- 2. Introduce the Program Administrator**
- 3. Discuss Program questions and invite stakeholder feedback**
- 4. Present schedule and contacts for continuing stakeholder engagement**

# Meeting Agenda

## **1. Introduction**

- Background, mitigation v. compensation, program purpose

## **2. Program Overview & Launch Information**

- Design considerations, compensation guidelines, claims processes, timeline

## **3. Guided Discussion and Polling**

- Questions regarding payment methods, economic loss calculations, crew compensation, shoreside businesses

## **4. How to Reach Out to Us**

# Rules of the Sea

- Keep focus on CVOW Fisheries Compensatory Mitigation Program
- Share your ideas and concerns – and let others share theirs too!
  - Feedback will be gathered from Zoom chat, polling, and any follow-up responses
  - Opinions need not be finalized today – we want to hear where you are now

**This is not the only opportunity for feedback, engagement will continue over the next 2 months!**

# Mentimeter Polling

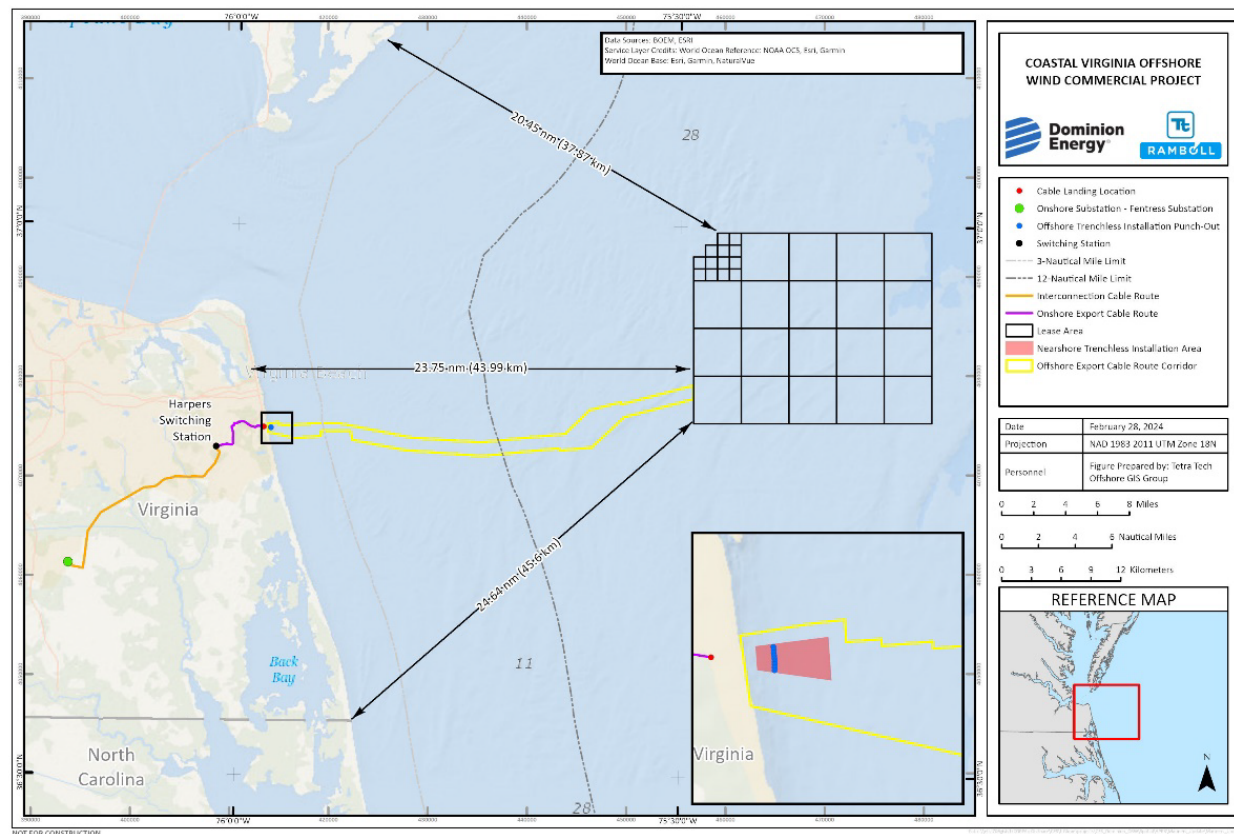
<https://www.menti.com/alfmm1cr97qj>



# CVOW Background

## What is CVOW?

Dominion Energy is constructing and will operate the Coastal Virginia Offshore Wind (CVOW) Project (Project). The Project is located in the Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf Offshore Virginia (Lease No. OCS-A 0483), 27 miles off the coast of Virginia Beach, with buried subsea cables connecting CVOW to shore.



# Mitigation vs. Compensation

## **Mitigation:**

measures for avoiding, minimizing, eliminating, and monitoring environmental impacts to commercial and for-hire fisheries to prevent damage

## **Compensation:**

reimbursements for damage and payment for economic losses caused by offshore wind development

# CVOW Compensation Background

## **How did we get here?**

BOEM suggests fisheries compensatory mitigation as a part of OSW permitting requirements. Formal compensatory mitigation procedures were enacted as a part of the Construction and Operations plan for Dominion Energy Virginia's Coastal Virginia Offshore Wind ("CVOW") Commercial Project. Dominion, in conjunction with the Virginia Marine Resources Commission ("VMRC"), determined revenue exposures and earmarked \$40 million for a Fisheries Compensatory Mitigation Fund, along with \$3 million for a separate Surfclam Compensatory Mitigation Fund – referred to collectively as the "Program." BrownGreer was contracted to develop the Program, and coordinate and administer the funds.

## **What guides program development?**

All Program development is informed by the CVOW Construction and Operations Plan, the Record of Decision, and BOEM Fisheries Mitigation Guidance.

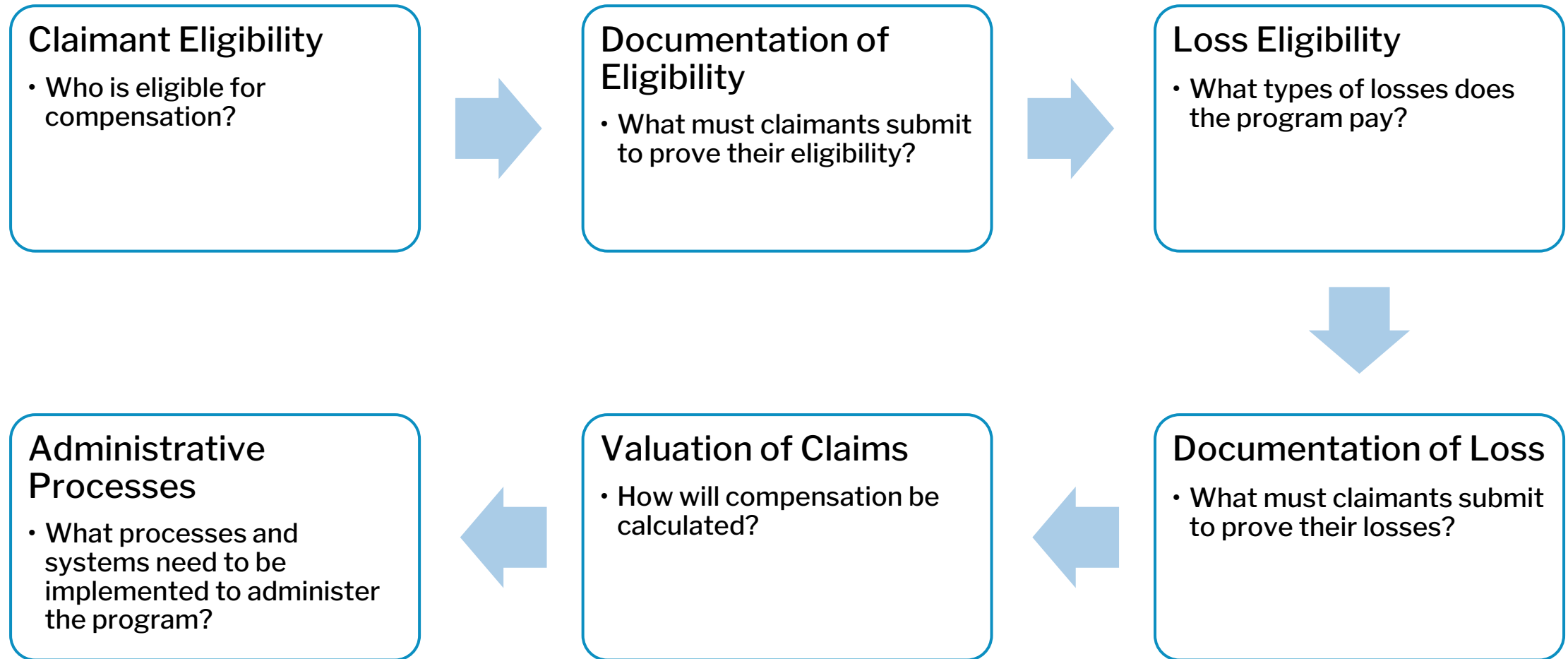
# Program Purpose

## **What is the purpose of the compensation program?**

- The purpose of the Compensatory Mitigation Fund is to provide monetary compensation to **commercial fishing businesses**, for-hire recreational fishing businesses, and impacted shoreside businesses in relation to documented economic losses resulting from the construction, operation and maintenance, or decommissioning of the Project.
- This Program is solely focused on *direct financial compensation* to impacted businesses. Other measures for avoidance, minimization, mitigation & environmental impact monitoring can be found in the Construction and Operations Plan.

**We want your feedback to establish the most efficient, comprehensive, and fair compensation program we can.**

# Primary Design and Development Considerations



# Commercial Fishing Compensation

## Who is eligible for compensation from the Program?

- Commercial fishing businesses with **demonstrated use of Offshore Project Area** for similar fishing purposes within **10/30/2020 – 10/30/2023**
- Commercial fishing businesses with a **demonstrated use of nearby non-Lease areas** (*i.e.*, within three nautical miles (NM) of the Offshore Project Area) for similar fishing purposes within **10/30/2020 – 10/30/2023**, who can document negative economic impacts resulting from increased competition as a result of displacement of fishing activity from the Offshore Project Area
- **Shoreside businesses** that, within 10/30/2020 – 10/30/2023, **supported through direct, first-transaction** sales to, or purchases from, commercial fishing businesses and/or for-hire recreational fishing businesses eligible to submit a claim in this Program

# Commercial Fishing Compensation

## What is the claims period?

- The compensatory program covers economic losses experienced from **10/30/2023** through 12/31/2059.
- Claims accrue over a calendar year, running from January 1 through December 31.
- Claims must be filed within two calendar years of the year of claimed economic impact and may be filed at any time during that two-year period.
  - Example 1: Claims for losses experienced from 10/30/23-12/31/23 must be filed by 12/31/2025.
  - Example 2: Claims for losses experienced from 1/1/2024-12/31/24 must be filed by 12/31/2026.
  - Example 3: Claims for losses experienced from 1/1/2025-12/31/25 must be filed by 12/31/2027.

# Commercial Fishing Compensation

## **What kinds of claims are eligible for compensation?**

- **Reduction in the number of trips** a vessel can make in the Offshore Project Area due to Project closures and ensuing **reduction in catch**
- **Impacts to targeted species** in the Offshore Project Area
- **Increased expenses** owing to construction closures or presence of Project structures (e.g., fuel for alternative navigation during construction)
- **Losses due to increased competition in nearby non-Lease areas** resulting from displacement of fishing activities from the Offshore Project Area
- **Reasonable third-party costs** associated with **preparing claims** (e.g., accounting services)
- **Other reasonable and demonstrable economic losses** caused by the Project

## **Alternative causes are not compensable.**

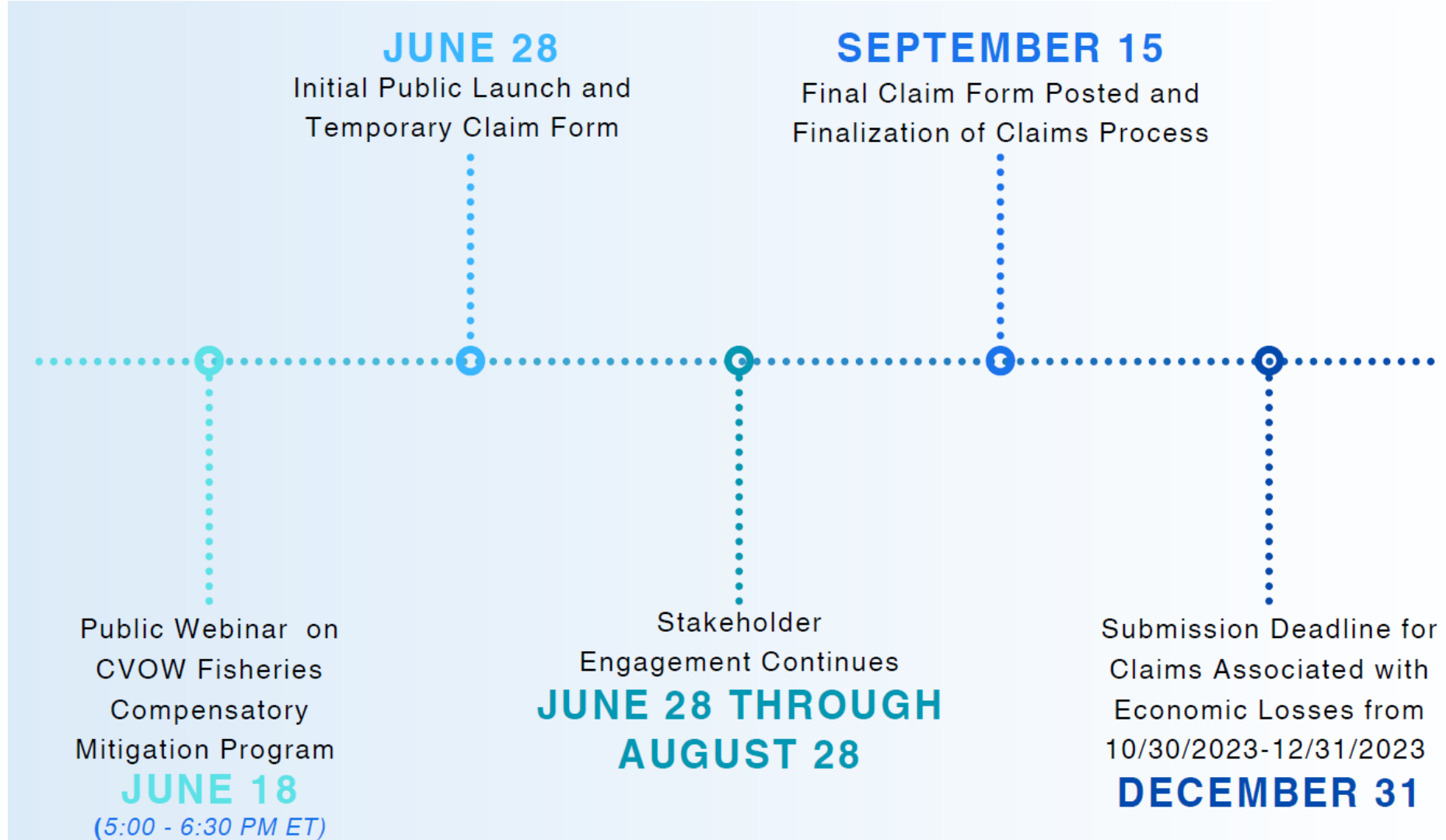
Compensation will not be available to the extent that a fisherman experiences an economic loss that is not caused by the Project (e.g., due to regulatory fishery closures, species limits, environmental changes, etc.)

# Claims Process

## What will the claims process look like?

- Claimants file within two calendar years of claimed economic loss. *(don't have to wait 2 years)*
- There will be Program deadlines, but also **flexibility based on individual circumstances**.
- The Administrator will **review claim submissions** and **issue notices** indicating the **amount a claimant will receive, if eligible**, or identifying **deficiencies in the submission**.
- **Deficient** claims will have an **opportunity to cure**.
- Claimants who **disagree with the Administrator's claim determination** will have an opportunity to **provide any additional information/materials** and ask the Administrator to **reconsider** that determination.
- Claimants who **disagree with the Administrator's reconsidered claim determination** will have an opportunity to **appeal to a third-party neutral**.
- Eligible claimants will be **paid promptly** (*i.e.*, within approximately 30 days).

# Upcoming Engagement & Launch Timeline



# Questions for Discussion

## Payment Considerations:

- What is your preferred method of payment (e.g., check, PayPal, Venmo, ACH, wire, etc.)?

# Questions for Discussion

## **Economic Loss Considerations:**

- What proof will fishermen have that they experienced an economic loss?
- What kinds of proof will fishermen be able to submit demonstrating that their economic loss was caused by the Project?

# Questions for Discussion

## Crew Considerations:

- How should Crew claims be compensated?
  - Directly from approved vessel owner claim (validation of payment)
  - Directly from approved vessel owner claim (no validation of payment)
  - Directly to Crew (deducted from valid vessel claim)
  - Directly to Crew (no deducted from valid vessel claim)
  - other (specify)

# Questions for Discussion

## Shoreside Business Considerations:

- Would fishermen be able to identify the shoreside businesses that they consider as those that support them and describe how they support and at what cost/amounts?
- Should a shoreside business have to verify it did business with a boat/owner who is receiving compensation from this Program?
- If shoreside businesses cannot provide a list of the fishermen/vessels they support, what kinds of proof would confirm first-transaction sales?

# Resources and Contact

**For More Information:**



[www.CVOWFisheriesCompensation.com](http://www.CVOWFisheriesCompensation.com)

[BOEM Guidelines for Mitigation](#)

[CVOW Construction and Operations Plan](#)

[CVOW Record Of Decision](#)

**Any questions?**

Please email us with any questions or feedback you may have.

Our email address is: [Contact@CVOWFisheriesCompensation.com](mailto:Contact@CVOWFisheriesCompensation.com)