

# CVOW Fisheries Compensatory Mitigation: For-Hire Fishing

RFAB Meeting

May 12, 2025, 6:00 p.m., ET

BrownGreer, PLC

# 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 CVOW. Dominion, in conjunction with the Virginia Marine Resources Commission, determined revenue exposures and earmarked \$40 million over the life of the project. BrownGreer was contracted to coordinate and administer the funds.

## **What guides program development?**

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

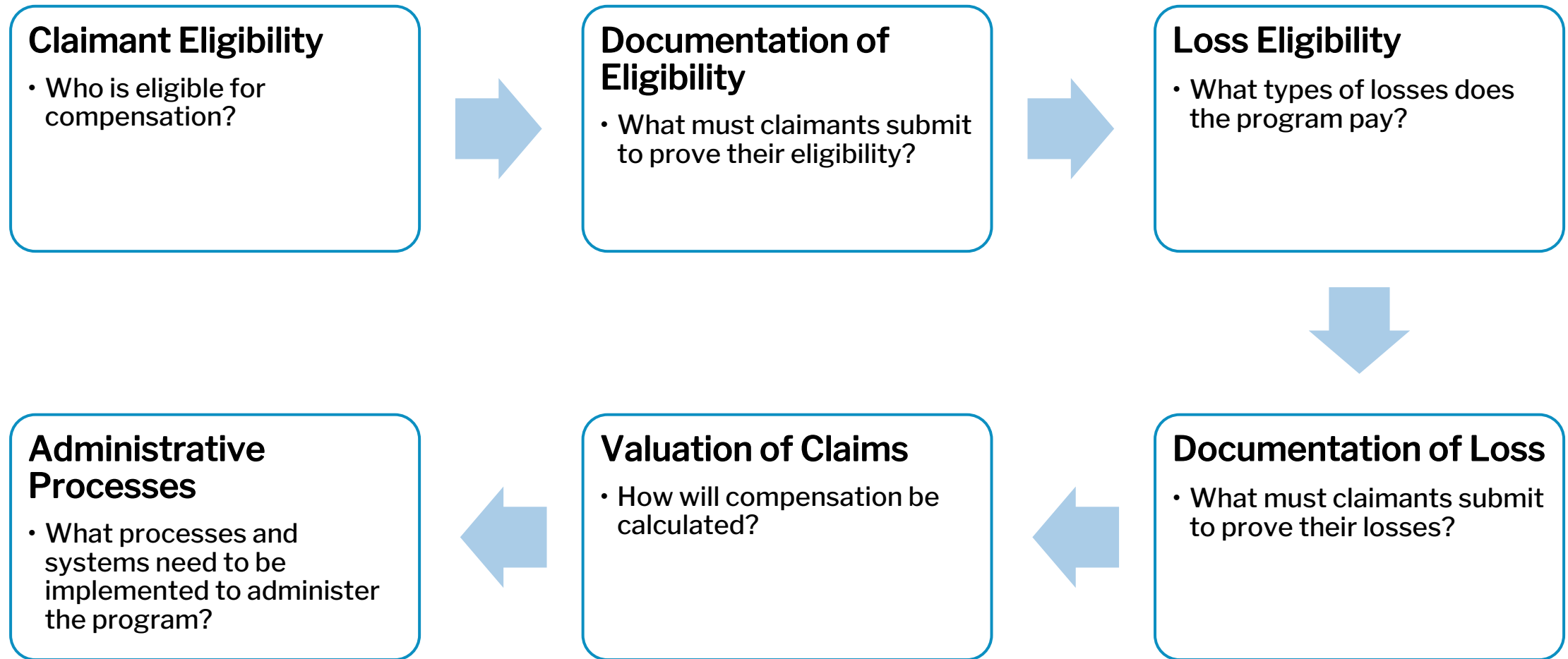
# Program Purpose

## **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.

**As we conduct the design and engagement phase of the program, we are interested in hearing your feedback for developing the most efficient, comprehensive, and fair compensation program we can.**

# Primary Design and Development Considerations



# Program Eligibility

## **Who is eligible for the compensatory program?**

- For-hire recreational fishing businesses with demonstrated use of Offshore Project Area for similar fishing purposes within 10/30/20 – 10/30/23
- For-hire recreational fishing businesses with a demonstrated use of nearby non-Lease areas for similar fishing purposes within 10/30/20 – 10/30/23, who can document negative economic impacts resulting from increased competition as a result of displacement of fishing activity from the Offshore Project Area

## **What is the claims period?**

- The compensatory program covers 10/30/23, through 12/31/59
- Claims must be filed within two calendar years of the year of claimed economic impact (or Loss Period)

# Program Eligibility, cont'd

## **What kind of claimants are eligible to apply?**

- For-Hire recreational fishing businesses: vessel owners, captains, and crew

## **What kind of claims are eligible for for-hire recreational fishing claimants?**

- Reduction in the number of trips a vessel can make in the Offshore Project Area
- Impacts to targeted species in the Offshore Project Area
- Increased expenses owing to construction closures or presence of Project structures
- 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 not compensable.**

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

# Demonstration of Eligibility & Loss

## **How can for-hire fishing claimants demonstrate eligibility and economic loss?**

- Valid documentary proof *may* look like (BOEM Guidance):
  - For-hire charter business registration
  - Vessel registration
  - Species permit
  - Profit and loss statements
  - Tax returns
  - Other forms of documentation demonstrating economic impact due to the Project
- Other?
- How have you earned your for-hire recreational fishing revenues historically? How will you do so now with the Project? How do you believe you will be impacted by the Project?

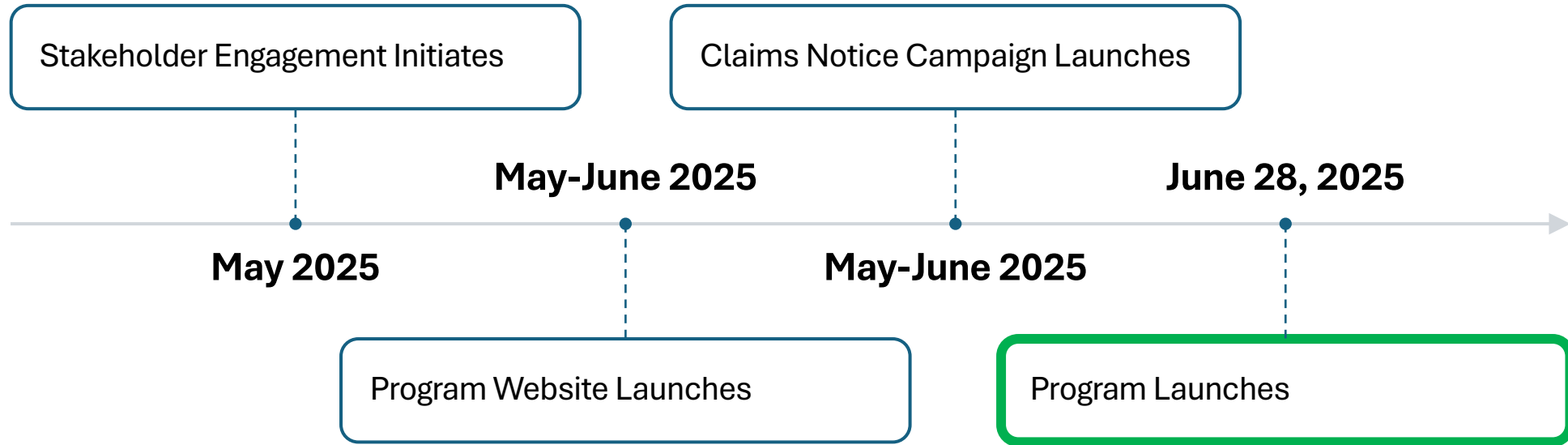
# Claims Process

## **What will the claims process look like?**

- Claimants file within two calendar years of claimed economic loss
- The Administrator will issue 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 claims will be paid promptly, likely on a rolling monthly basis
- Payment could be issued through check, PayPal, ACH, wire, etc. – What is your preferred method of payment?

**There will be timelines but also flexibility based on individual circumstances**

# Program Launch Timeline



**The Compensatory Mitigation Program Documents may be revised from time to time to reflect best practices based on experience gained through administering the Compensatory Mitigation Fund, further guidance from BOEM, or input from VMRC.**

# Resources and Contact

## **For More Information:**

[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: [CVOWContact@BrownGreer.com](mailto:CVOWContact@BrownGreer.com)