

# Coastal Virginia Offshore Wind Compensation Program

## INSTRUCTIONS

### Economic Loss Claim Form: Qualified Fishing or Qualified Surfclam Fishing Entity

Read the Economic Loss Claim Form Instructions carefully. Complete the appropriate sections. Return your completed Economic Loss Claim Form and all accompanying documents to the Program Administrator.

**To file a claim form for an economic loss caused by offshore wind development, you must complete and submit an Economic Loss Claim Form within two calendar years of the year of claimed loss.** For example, claims for 2023 would be due by December 31, 2025. You must complete and submit a separate Economic Loss Claim Form for each year that you seek compensation from the CVOW Fisheries Compensatory Mitigation Program (the "Program").

#### Examples of Documentary Proof You Need to Attach to Your Form:

Proof of Fishing Location	<ul style="list-style-type: none"> <li>• VMS/VTR/AIS data</li> <li>• Harvester/personal logbooks</li> <li>• Chart plotter records</li> <li>• Proof of homeport</li> <li>• NMFS or VMRC observer data</li> </ul>
Proof of Level of Effort	<ul style="list-style-type: none"> <li>• Profit/Loss statements</li> <li>• Harvester/personal logbooks</li> <li>• Fishing history</li> <li>• Dealer reports</li> <li>• Receipt of sales</li> <li>• Tax documents</li> </ul>
Proof of Revenues	<ul style="list-style-type: none"> <li>• Tax documents</li> <li>• Profit/Loss statements</li> <li>• Receipt of Sales</li> </ul>

# Coastal Virginia Offshore Wind Compensation Program

## INSTRUCTIONS

### Economic Loss Claim Form: Qualified Fishing or Qualified Surfclam Fishing Entity

#### DEFINITIONS

- (1) Claimant.** A commercial or for-hire fishing business (which can be an individual operating a sole proprietorship or a standalone legal entity) or vessel that advances the claim. All Program notifications will be addressed to “the claimant,” and all payments will issue to “the claimant,” even if an authorized representative of the business completes the Claimant Qualification Form.
- (2) 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.).
- (3) Construction.** The period from the first seabed disturbing activity following approval of the Coastal Virginia Offshore Wind (“CVOW”) project’s Construction and Operations Plan (“COP”), which occurred on February 11, 2024. The Construction period ends on the date on which all turbines are installed, and the Project is delivering commercial power to the point of interconnection.
- (4) 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.
- (5) Historical Period.** For Qualified Surfclam Fishing Entities, the period of time before January 28, 2024, in which they lawfully fished for surfclams within Virginia coastal waters or federal waters offshore from Virginia or North Carolina.
- (6) Loss Period.** The period from February 11, 2024, through December 31, 2059. The Fund and Surfclam Fund cover Qualified Fishing Entities’ Eligible Economic Loss Claims experienced during the Loss Period. Claims could not accrue before Construction began. Each claim relates to all qualifying losses experienced within a single calendar year from January 1st through December 31st.
- (7) Nearby Non-Lease Area.** The area that comprises the three nautical miles surrounding the Lease Area.
- (8) Offshore Project Area.** The Lease Area and the Offshore Export Cable Route Corridor. See [Section 3.1 and Figure 3.1-1 of the COP](#) for an overview and detailed description of the Lease Area’s location.
- (9) Permit.** Any federal or state authorization, license, or approval required for lawful commercial or for-hire recreational fishing activity.
- (10) Program Administrator.** BrownGreer PLC serves as the neutral, third-party administrator contracted to “receive claims, make claims determinations, and pay or deny claims, as appropriate” for the Program and the Surfclam Program, in accordance with the Construction and Operations Plan for the Project.
- (11) Project.** The Dominion Energy Virginia (“Dominion Energy”) Coastal Virginia Offshore Wind (“CVOW”) Commercial Project.

**(12) 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 to demonstrating lawful fishing activity within the Qualifying Period or Loss Period, including, but not limited to:

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

**(13) Qualified Fishing Entity.** A Commercial or For-Hire Fishing Business or a vessel with Qualifying Permit and Fishing History that demonstrates satisfaction of the criteria set out in Sections III.3 and IV.B.1 of the Protocol and has been approved by the Program Administrator as eligible to submit claims.

**(14) Qualified Surfclam Fishing Entity.** A Commercial Fishing Business or a vessel with Qualifying Permit and Fishing History that demonstrates satisfaction of the criteria set out in Sections III.3 and V.B.1 of the Protocol and has been approved by the Program Administrator as eligible to submit claims.

**(15) Qualifying Period.** The three-year period of October 30, 2020, through October 30, 2023.

# Coastal Virginia Offshore Wind Compensation Program

## INSTRUCTIONS

### Economic Loss Claim Form: Qualified Fishing or Qualified Surfclam Fishing Entity

#### I. CLAIMANT INFORMATION

- (1) CVOW Program Claimant Number (if known).** If the business has previously interacted with the Program and received a Claimant Number from the Program Administrator, enter that number in the designated space. Skip this field if you do not have or know your CVOW Program Claimant Number.
- (2) Demographic Information.** Provide the Qualified Fishing Entity's name, the name of the Authorized Representative completing the claim on the Entity's behalf (if applicable), and the Entity's mailing address.
- (3) Did you incur third-party costs associated with the preparation of your claim?** Reasonable third-party costs associated with preparing claims (such as accounting services) are also eligible for reimbursement by the Compensatory Mitigation Fund. Third-party costs do not include those incurred by family members. If Yes, complete (a) and (b) below:
  - (a) Name of Third Party Claims Preparer:** Provide the name of the business and/or individual that you paid to help prepare your Claim Form and/or supporting documentation for the Program Administrator's review.
  - (b) Amount Incurred:** State the amount that you paid to the Third-Party Claims Preparer to prepare your Claim Form and/or supporting documentation for the Program Administrator's review. You must submit proof of this transaction, which may include receipts, invoices, bank statements, images of cancelled checks, etc.

#### II. COMMERCIAL AND FOR-HIRE FISHING VESSEL ECONOMIC LOSS ELIGIBILITY

##### A. Economic Loss Type

A documented economic loss resulting from the Construction, Operations and Maintenance, or Decommissioning of the Project, may include:

- (1) Reduction in the number of trips a vessel can make due to Project-related closures or lost/damaged gear;
- (2) Reductions in harvest or catch-per-unit-of-effort of targeted species, or other adverse impacts to the fishery;
- (3) Increased expenses owing to construction closures or presence of Project structures;
- (4) Displacement of fishing activities from the Offshore Project Area, or impacted vessel lanes;
- (5) 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 (this loss type does not apply to claims for compensation from the CVOW Surfclam Compensatory Mitigation Fund (the "Surfclam Fund" or the "Surfclam Program");
- (6) Other losses caused by the Project.

Check all that apply, and for each checked reason, enter your best estimate for lost income or revenues. If you indicated that your losses were for reasons that were not otherwise described, you must provide a brief description of the reason. If you need additional space, you may attach any additional pages to your completed Economic Claim Form.



# Coastal Virginia Offshore Wind Compensation Program

## INSTRUCTIONS

### Economic Loss Claim Form: Qualified Fishing or Qualified Surfclam Fishing Entity

#### B. Economic Loss Year

You may file only one claim for losses experienced within a single calendar year (the “Claimed Loss Year”). Your claim must be filed within two years of the claimed loss (i.e., claims for 2023 would be due by December 31, 2025). If you experience Eligible Economic Losses in more than one calendar year, you may file a new claim for each year in which the Eligible Economic Loss occurred. The filing deadline for all claims is December 31, 2061.

Enter the beginning and ending dates of the year for which you seek compensation for your economic losses in this format: [MM/DD/YYYY].

In the following space, you must explain why, in your view, any economic loss experienced was caused by the Project. If you need additional space, you may attach any additional pages to your completed Economic Claim Form.

#### C. Fishing Location

**(1) Is this claim for compensation from the CVOW Surfclam Fund?** The Surfclam Fund provides up to \$3 million in monetary compensation to qualified commercial Atlantic surfclam fishing businesses and commercial shoreside Atlantic surfclam fishing support businesses that experience eligible documented economic losses resulting from the construction, operations and maintenance, or decommissioning of the Project. The Surfclam Fund is capped at \$3 million.

**(a) If You ARE NOT filing a claim for losses from the Surfclam Fund:** You must demonstrate that you fished within the Offshore Project Area at any time during the calendar year of the claimed economic loss; or, if you did not fish within the Offshore Project Area, but you claim that your economic loss was caused by increased competition because of displacement of fishing activity within the Offshore Project Area, you must demonstrate that you fished in the Nearby Non-Lease Area.

**(b) If You ARE filing a claim for losses from the Surfclam Fund:** You must demonstrate that you fished commercially within Virginia coastal waters or federal waters offshore from Virginia or North Carolina during the calendar year of the claimed economic loss.

**(2) Proof of Fishing Location.** Proof of fishing location may include, but is not limited to, VMS/VTR/AIS data, harvester/personal logbooks, chart plotter records, proof of homeport, NMFS or VMRC Observer data, etc.

#### D. Level of Effort

Proof of “level of effort” demonstrates the resources used to harvest fish, which may include the number of vessels, the frequency, consistency, and/or duration of fishing trips, the number of crew, fishing methods employed, etc.

You must demonstrate proof of level of effort to fish in the Offshore Project Area or Nearby Non-Lease Area (or for Surfclam claims, within the qualifying VA or NC waters) for the Claimed Loss Year. 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.



# Coastal Virginia Offshore Wind Compensation Program

## INSTRUCTIONS

### Economic Loss Claim Form: Qualified Fishing or Qualified Surfclam Fishing Entity

#### E. Revenues

You must provide proof of revenues during the Qualifying/Historical Period AND the Claimed Loss Year. Proof of such includes, but is not limited to profit/loss statements, receipt of sales, and tax documents.

For the Qualifying/Historical Period, you may have already submitted your proof of revenues to the Program Administrator when submitting the Claimant Qualification Form or an Economic Loss Claim Form for a previous Claimed Loss Year. If you have no additional documentation to support revenues in the Qualifying/Historical Period, you may check the indicated box and the Program Administrator will review the documents that are already on file to determine economic baseline economic activity based on historical revenues. However, if your claim package does not include proof of revenues during the Qualifying/Historical Period AND the Claimed Loss Year, your claim will be deficient and you will not receive a compensation amount until the deficiency is resolved.

### III. CERTIFICATION AND SIGNATURE

Sign the Economic Loss Claim Form and return it to the Program Administrator by one of the following methods:

#### Mail

CVOW Program Administrator  
P.O. Box 85006  
Richmond, VA 23285-5006

#### Email

[Contact@CVOWFisheriesCompensation.com](mailto:Contact@CVOWFisheriesCompensation.com)

### IV. NEXT STEPS

The Program Administrator will review your claim submission. **You will be notified if any required information is missing.**

The Program Administrator will maintain records of Qualified Entities. If the business is deemed a Qualified Fishing Entity or a Qualified Surfclam Fishing Entity and later is sold, leased, traded, replaced, or otherwise disposed of, any such transfer of interest must be registered with the Program Administrator. **It is your responsibility, as the Qualified Fishing Entity/Qualified Surfclam Fishing Entity, to provide the Program Administrator with documentation of the sale, lease, or other change in ownership,** including the contract and any information about the Qualified Fishing Entity that has changed (e.g., new owner, business, licenses, etc.).

### V. CONTACT US

You may email [Contact@CVOWFisheriesCompensation.com](mailto:Contact@CVOWFisheriesCompensation.com) if you need assistance completing the Economic Loss Claim Form.

END OF ECONOMIC LOSS CLAIM FORM INSTRUCTIONS