



Coastal Virginia
Offshore Wind



Coastal Virginia Offshore Wind Compensation Program

INSTRUCTIONS

Claimant Qualification Form: Surfclam Fishing Entity

Commercial Surfclam Fishing Vessels/Businesses should use this Claimant Qualification Form to establish eligibility to participate in the CVOW Fisheries Compensatory Mitigation Program (the "Program") as a **Qualified Surfclam Fishing Entity**. Read these Claimant Qualification Form Instructions carefully, then complete and return the Claimant Qualification Form and all accompanying documents to the Program Administrator.

Claimants need only demonstrate program qualification one time per Qualified Surfclam Fishing Entity, either before or contemporaneous with their first claim. The qualification then attaches to that Qualified Surfclam Fishing Entity for the lifetime of the Program. Thus, **YOU ONLY HAVE TO COMPLETE THIS QUALIFICATION FORM ONCE PER QUALIFIED SURFLAM FISHING ENTITY** to establish that your vessel or business qualifies to participate in the Program.

A separate Economic Loss Claim Form must be submitted for each year you seek compensation from the Program. Qualification to participate in the Program does not mean qualification to receive actual payment. Only a demonstration of a compensable loss incurred by a Qualified Surfclam Fishing Entity results in payment.

Summary of Documents You May Need:

Authority to Conduct Business

- Business License

Proof of Vessel Ownership/Lease and Authority to Operate Vessel

- Title
- GARFO operator's permit
- vessel registration

Proof of Fishing Location History

- VMS/VTR/AIS data
- Harvester/personal logbooks
- Chart plotter records
- Proof of homeport
- NMFS or VMRC observer data

Proof of Level of Effort

- Profit/Loss statements
- Harvester/personal logbooks
- Fishing history
- Dealer reports
- Receipt of sales
- Tax documents

Documentation of Species Type

- Species Permits



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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) 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.
- (8) Permit.** Any federal or state authorization, license, or approval required for lawful commercial or for-hire recreational fishing activity.
- (9) 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.
- (10) Project.** The Dominion Energy Virginia (“Dominion Energy”) Coastal Virginia Offshore Wind (“CVOW”) Commercial Project.
- (11) 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/Historical 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.



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(12) 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.

(13) 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.

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

I. CLAIMANT INFORMATION

A. Authorized Representative Information. As the individual authorized to act on behalf of the business or commercial vessel owner, you must provide your name, mailing address, email address, phone number and the last four digits of your Social Security Number or Tax Identification Number.

B. Business Information. Complete this section if you are filing on behalf of a surfclam fishing business. If you are not filing on behalf of a business, skip this section and proceed to Section II.

1. Demographic Information. If the business operates under a different name or tax identification number than the individual who is submitting the claim on behalf of the business, provide the business's name, employer identification number, [tax filing classification](#), mailing address, email address, phone number, and the name of the principal officer (such as the president, CEO, owner, etc.).

2. Documentary Proof of Authority. If you are filing on behalf of a surfclam fishing business, you must submit documentary proof of both:

- a. the business's authority to conduct business (a valid business license, annual state filings, or state certificate of good standing, for example) at any time during the Historical Period; and
- b. that the Authorized Representative has the authority to act on behalf of the business or commercial vessel owner. Examples may include, but are not limited to, organizational documents such as articles of incorporation, by laws, operating agreements, etc.; state certificates or statements, contracts, delegation of authority letters, power of attorney documents, employment agreements, IRS documents, or corporate board resolutions. Contact the Program Administrator for help if you are unsure whether your documents establish your authority to act on the Claimant's behalf.

II. SURFCLAM FISHING VESSEL QUALIFICATION

(1) Vessel Ownership/Leases. For each vessel used during the Historical Period, provide the vessel number or official number, vessel hull identification number, vessel name, vessel permit number, and the vessel owner name (this should be owner listed on the state vessel title). You should also list the types of species that the business or vessel targeted or harvested during the Historical Period (you will provide more information about each permit in Section II(A) or II(B), as applicable).

You must provide proof of vessel ownership or lease of the vessel at any time during the Historical Period. Provide as much of the requested information on the Claimant Qualification Form as possible and submit documentary proof of the business's ownership or lease of the vessel (for example, a copy of a valid title).



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Whether you own just one, two, or several vessels, it is the activity of the fishing vessel during the Historical Period that qualifies you to participate in the Program. If you are filing on behalf of a business and that business operated multiple vessels, provide the requested information for each vessel and submit documentary proof of the business's ownership or lease for each vessel.

Double-recovery of a vessel's economic losses is not allowed, so if a Vessel Lessee files a claim, the Vessel Owner cannot also recover the same losses, even if the Lessee and Owner operate as separate businesses.

- (2) Authority to Fish.** You must submit proof of the vessel or business's authority to fish commercially during the Historical Period. Provide as much of the requested information on the Claimant Qualification Form as possible for each fishery or species permit applicable to the listed vessel(s). If you have more than three fisheries permits linked to the vessel(s), list the information for those permits on a separate page and attach those additional pages to your completed Qualification Form.

You must also submit documentary proof of the business's authority to fish commercially. This proof may include, but is not limited to, Commercial Fisherman Registration License and Seafood Landing License, GARFO/SERO permit, fisheries permit.

Provide as much of the requested information on the Claimant Qualification Form as possible. If you have additional proof of the Commercial Fishing Entity's authority to fish, list the information for those permits on a separate page and attach those additional pages to your completed Qualification Form.

- (3) Qualifying Historical Activity.** To qualify to participate in the Program as a Qualified Surfclam Fishing Entity, you must demonstrate the lawful use of Virginia coastal waters or federal waters offshore from Virginia or North Carolina for similar surfclam fishing purposes as those claimed to be impacted by the Project (i.e., use of similar gear and similar target species), before January 28, 2024.

Answer each question in this section to indicate your surfclam fishing activity during the Historical Period. Only one business/vessel may qualify for the Program based on the same Qualifying Permit or Fishing History. If you indicated the boat or vessel was sold/purchased, you must attach any evidence of the sale and any conditions attaching to such sale (e.g., disposition of permits, fishing history, etc.).

The Program Administrator will keep a record of Qualified Surfclam Fishing Entities. It is your responsibility to update the Program Administrator if your ownership of the vessel or business changes, and you must provide documentation of the sale, lease, or other change in ownership.

If you purchased a fishing vessel and its associated Qualifying Permit and Fishing History after the Historical Period from an entity other than a currently registered Qualified Surfclam Fishing Entity, you may still be a Qualified Surfclam Fishing Entity if you can prove: (a) that the business or fishing vessel you acquired and its associated fishing history was or could have been a Qualified Surfclam Fishing Entity; and (b) in the transaction where you acquired the business or fishing vessel, you acquired all assets necessary to prove the business or fishing vessel's associated fishing history.

- (4) Historical Fishing Location.** You must demonstrate that before January 28, 2024, you lawfully fished for surfclams anywhere within Virginia coastal waters or federal waters offshore from Virginia or North Carolina. Proof of fishing location history 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.

If this documentary evidence is not available or is incomplete, you may request a sworn statement from the Program Administrator, which may be used to support the historical fishing information you listed on the Qualification Form.



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(5) Historical 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 submit proof that the business or vessel made some level of effort to fish anywhere within Virginia coastal waters or federal waters offshore from Virginia or North Carolina for the calendar years covering the Historical 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.

III. BOAT/VESSEL EMPLOYEES AND CREW MEMBERS

Crew Members are those individuals regularly and customarily employed by a Commercial Fishing Entity, including deckhands and other vessel-based employees engaged in commercial fishing activity.

You must provide the number of Crew Members that were regularly employed by the business or on the boat/vessel(s) during the Historical Period, and detail how such crew were paid (e.g., % share, day rate, etc.). If Crew Members were paid by a method that is not listed, select “Other” and describe the payment method(s).

IV. CERTIFICATION AND SIGNATURE

Sign the Claimant Qualification 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

V. NEXT STEPS

- As mentioned above, you must only submit the Claimant Qualification Form once to establish that the business qualifies to participate in the Program. Attach all supporting documentation to this Qualification Form and submit it to the Program Administrator. If you do not provide proof of the required information or attach the required documentary evidence to your Claimant Qualification Form, the form will be deficient and you will not be eligible to participate in the Program until that deficiency is resolved. **The Program Administrator will notify you if any required information is missing.**
- 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. A separate Economic Loss Claim Form must be filed for each year of claimed loss.
- The Program Administrator will maintain records of Qualified Entities. If the business is deemed 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 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 Surfclam Fishing Entity that has changed (e.g., new owner, business, licenses, etc.).



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VI. CONTACT US

You may email Contact@CVOWFisheriesCompensation.com if you need assistance completing the Claimant Qualification Form.

END OF QUALIFICATION FORM INSTRUCTIONS