

# Instructions

## Lost or Damaged Fishing Gear Claim

### Purpose:

This document is designed to guide the applicant through the process to file a claim for lost or damaged fishing gear and economic loss associated with such loss or damage which was purportedly due to Ørsted Americas' on-water activities during the development, construction, operation, and decommissioning of their offshore wind farms in the United States.

This document includes an application and appeal form as well as templates to assist with recording the required elements.

### Instructions:

To have a claim reviewed, applicants must:

1. Contact Ørsted Americas' Marine Affairs staff as soon as safe and in all instances within 14 days to notify an intent to submit a claim and provide a brief description of the incident prompting the claim. Marine Affairs may be emailed at [MANEP@orsted.com](mailto:MANEP@orsted.com). Contact information for individual team members is available on our website: [www.us.orsted.com/mariners](http://www.us.orsted.com/mariners).
2. Provide responses to each item in the Lost or Damaged Fishing Gear Claim Application. Applicants may print the application form found in [Appendix A](#) and templates in [Appendix C](#) and [Appendix D](#) and email the completed form(s) with required documents to the Ørsted Americas contact listed above.
3. Submit the completed application within 30 days of initial notification made to Ørsted Americas. The Applicant may request assistance from Ørsted Americas to prepare and complete the application.

### Overview of Lost or Damaged Fishing Gear Claim review process:

Claims will be reviewed by Ørsted Americas for completeness. Incomplete submissions will be returned, and applicants will be notified. If an application is returned due to incompleteness, an applicant may resubmit a complete application within 30 days after receiving an incomplete notice.

Complete applications will be reviewed by an independent third-party who will provide their recommendation for claim disposition to Ørsted Americas. Applicants will be notified of the findings, in writing, normally within 30 days of receipt of a complete application.

If a finding is made that a loss or damage resulted from an interaction with a vessel or equipment associated with one of Ørsted Americas projects, Ørsted Americas will notify the applicant of the amount to be paid and issue payment for that amount within five business days of the expiration of the appeal period as described below.

If the claim is denied, a written explanation will be provided to the applicant.

Applicants who disagree with the decision, or part of a decision, will have an opportunity for an appeal as described below.

### Required elements of Lost or Damaged Fishing Gear Claim:

1. The name, mailing address, telephone number, email address, and employment status (i.e., vessel owner, operator/captain, or crew) of each applicant.
2. Coast Guard Documentation Number or State Registration Number of the Vessel.
3. Copy of a valid fishing permit.
4. Home Port of the Vessel.
5. Type of Vessel.
6. Size of Vessel.
7. Gear type.
8. Claim amount.
9. A full statement about the damage and/or loss. The statement must include:
  - Date the damage or loss was first discovered.
  - If mobile gear, the vessel's direction, speed, and activities immediately before, during, and after the incident (including a full description of both the deployment of any fishing gear which is the subject of the claim and all attempts at retrieval of the gear).
  - Names and contact information (e.g., phone, email) of all witnesses to the incident.
  - Specific location of incident in LORAN or LAT/LONG.
  - If available, a description of the vessel, item, or obstruction which caused the incident and whether or not any surface markers were attached to or near the obstruction.
  - Reasoning why the loss and/or damage is associated with Ørsted Americas activities.
10. Please provide the following to receive compensation for lost or damaged gear. A template for documenting this information can be found in [Appendix C](#).
  - An itemized and complete list of all lost and/or damaged fishing gear.
  - Proof of purchase of all lost and/or damaged gear.
  - An estimate from a gear repair or supply company to repair or replace lost or damaged gear.
  - If you are repairing the gear by yourself, a detailed estimate identifying the repair cost

### Overview of Economic Loss Claim Process:

The applicant must submit the Economic Loss Claim concurrently with the Lost or Damaged Fishing Gear Claim and they will be treated as a single claim. The required documentation for both must be included for the claim to be deemed complete as they will be reviewed under the same set of guidelines and timelines.

If awarded based on a review of the information submitted, economic loss will be paid in the amount of 50 percent of the applicant's gross income, as estimated by Ørsted Americas, that the applicant lost or will lose because of not being able to fish, or having to reduce fishing effort, during the period before the applicant's damaged or lost fishing gear is replaced and available for use. This period begins on the date of the incident and ends on the date the damage could reasonably have been remedied by repair or replacement.

### Required elements of Economic Loss Claim:

1. If claiming economic loss, please submit the following. A template for documenting this information can be found in [Appendix D](#).
  - Vessel Trip Reports (VTRs) for the three fishing trips immediately before the trip during which the loss occurred or was discovered,
  - VTR for the trip on which the loss occurred or was discovered, and
  - VTR for the trip immediately following the trip on which the loss occurred or was discovered.
  - If mobile gear, a statement describing the amount of time each of the above trips took.
  - If fixed gear, a statement on the number of gear units deployed on each trip.
  - A statement of the amount of time lost from fishing because of the gear loss and/or damage and a full explanation of why this time period is reasonable.
  - Documentation of the date replacement gear was ordered and received or the date gear repair began and ended.

### Fishing Gear Bank:

To offset potential delays obtaining replacement fishing damaged or lost during Ørsted's wind farm activities on traditional fishing grounds, Ørsted has established a fishing gear bank of lobster pots. The gear is supplied by and stored at Brooks Trap Mill in Wakefield, Rhode Island.

Applicants can indicate their interest in the Fishing Gear Bank on the Lost or Damaged Fishing Gear Claim Application form.

### Appeal process:

Within 30 days after Ørsted's written decision is issued, applicants who disagree with the decision, or part of a decision, may file a written notice of appeal by sending the notice to Ørsted Americas' Marine Affairs staff at [MANEP@orsted.com](mailto:MANEP@orsted.com). The Notice of Appeal form can be found in [Appendix B](#).

All decisions will become final 30 days after the date indicated on the decision. Appeals made after 30 days will not be accepted.

The notice of appeal must state the reason for the appeal and an explanation as to why the applicant believes Ørsted Americas' findings are incorrect. Incomplete notices of appeal will not be accepted.

Ørsted Americas will provide an Independent Third-Party Reviewer (ITR) with the notice of appeal and the applicant's complete application. The ITR will, within 30 days of receipt, review the issues raised in the notice of appeal and issue a written determination.

The ITR's decision will be final and not subject to any further right of appeal.

### List of attachments:

- A. [Application: Lost or Damaged Fishing Gear Claim](#)
- B. [Notice of Appeal: Lost or Damaged Fishing Gear Claim](#)
- C. [Template: Claimed Fishing Gear - Lost or Damaged](#)
- D. [Template: Claimed Economic Loss](#)

# Appendix A

## Application

### Lost or Damaged Fishing Gear Claim

**Instructions:**

Submit this form along with additional elements required for the application that are listed below to the within 30 days of initial notification of incident to Ørsted Americas' Marine Affairs at [MANEP@orsted.com](mailto:MANEP@orsted.com).

Applicant and vessel identification information:			
Name		Mailing address	
Phone number		Email address	
Status (circle appropriate role[s])		Owner / Operator / Crew	
Vessel name		USCG documentation or state registration #	
Type of vessel			
Size of vessel		Federal permit #	
Gear type		State permit #	
Total Claim Amount			
Damage and/or loss statement:			
See Lost or Damaged Fishing Gear Claim Instructions for required elements to include. Use the back of the page or additional paper if more space is needed.			

Is there interest in the Fishing Gear Bank? (circle answer)	Yes / No

**Required elements of Lost or Damaged Fishing Gear Claim:**

1. Copy of valid fishing permit.
2. A full statement about the damage and/or loss. The statement must include:
  - Date the damage or loss was first discovered.
  - If mobile gear, your vessel's direction, speed, and activities immediately before, during, and after the incident (including a full description of both the deployment of any fishing gear which is the subject of the claim and all attempts at retrieval of the gear).
  - Names and contact information (e.g., phone, email) of all witnesses to the incident.
  - Specific location of incident in LORAN or LAT/LONG.
  - If available, a description of the vessel, item, or obstruction which caused the incident and whether or not any surface markers were attached to or near the obstruction.
  - Reasoning why the loss and/or damage is associated with Ørsted Americas activities.

3. Please provide the following to receive compensation for lost or damaged gear. A template for documenting this information can be found in [Appendix C](#).

- An itemized and complete list of all lost and/or damaged fishing gear.
- Proof of purchase of all lost and/or damaged gear.
- An estimate from a gear repair or supply company to repair or replace lost or damaged gear.
- If you are repairing the gear by yourself, a detailed estimate identifying the repair cost.

#### Required elements of Economic Loss Claim:

1. If claiming economic loss, please submit the following. A template for documenting this information can be found in [Appendix D](#).

- VTRs for the three fishing trips immediately before the trip during which the loss occurred or was discovered,
- VTR for the trip on which the loss occurred or was discovered, and
- VTR for the trip immediately following the trip on which the loss occurred or was discovered.
- If mobile gear, a statement describing the amount of time each of the above trips took.
- If fixed gear, a statement on the number of gear units deployed on each trip.
- A statement of the amount of time lost from fishing because of the gear loss and/or damage and a full explanation of why this time period is reasonable.
- Documentation of the date replacement gear was ordered and received or the date gear repair began and ended.

#### Statement and signature:

By submitting this Application, Applicant authorizes Ørsted Americas to make whatever reasonable inquiries and investigations it deems necessary to verify the Application and request for compensation. Applicant understands that submitting this Application does not guarantee payment. Applicant further agrees that if the claim is accepted and paid, acceptance of such payment constitutes full, final and complete payment for this particular claim and that neither Ørsted Americas, nor any of its affiliates or joint venture partners shall have any further outstanding or ongoing obligation with respect to this particular claim and Applicant shall not, 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 Ørsted Americas, or any of its affiliates or joint venture partners, based upon this particular claim. If a claim is denied in part, Applicant may accept payment for the undisputed portion, as long as a release for that portion is provided, without waiving Applicant's right to appeal the disputed part of the claim. Applicant recognizes that submission of this Application does not affect Applicant's rights concerning matters other than those specifically identified in this particular Application. Finally, Applicant attests under penalty of perjury that to the best of Applicant's knowledge the information submitted is true and correct.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# Appendix B

## Notice of Appeal

### Lost or Damaged Fishing Gear Claim

**Instructions:**

Please state the reason for appeal and explain why you believe Ørsted Americas' findings are incorrect. If appealing damages, please state why you believe the amount paid is incorrect. Submit this form to the Ørsted Americas' Marine Affairs staff at [MANEP@orsted.com](mailto:MANEP@orsted.com) within 30 days after the written decision of the Lost or Damaged Fishing Gear Claim is issued.

Applicant information:			
Name		Mailing address	
Phone number		Email address	
Reason for appeal:			
Use the back of the page or additional paper if more space is needed.			

**Statement and signature:**

By submitting this Notice of appeal, Applicant attests under penalty of perjury that to the best of Applicant's knowledge the information submitted is true and correct and the appeal is made in good faith.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



# Appendix C

## Template

### Claimed Fishing Gear – Lost or Damaged

**Instructions:**

1. List each gear item for which you seek compensation. Describe item and include quantity and size.  
Attach additional sheets if needed.

List of gear items:					
Item	Lost or Damaged	Date of Purchase	Purchase Price	Replacement or Repair Date	Replacement or Repair Cost
<b>Total Cost:</b>					

2. Submit proof of purchase (i.e., sales receipts, affidavits, etc.) for all lost and/or damaged gear.
3. Provide an estimate from gear repair or supply company to repair or replace lost or damaged gear.
4. If you are repairing the gear by yourself, provide a detailed estimate identifying the repair cost.

# Appendix D

## Template

### Claimed Economic Loss

**Instructions:**

1. Provide the data for the following five fishing trips:
  - a. Three fishing trips immediately before the trip during which the loss occurred or was discovered,
  - b. the trip on which the loss occurred or was discovered, and
  - c. the trip immediately following the trip on which the loss occurred or was discovered.

<b>a. Three fishing trips before loss occurred or was discovered</b>				
Date of Trip		Number of Pounds of Catch	Number Days Spent Fishing (mobile) or Gear Units Deployed (fixed)	Dollar Value of Catch
Start	End			
1.				
2.				
3.				
Total				
Average				
Take number of days or units lost fishing and multiply it by Average Dollar Value of Catch			Then multiply it by 0.50 for maximum amount economic loss allowed	
<b>b. Fishing trip where loss occurred or was discovered</b>				
Date of Trip		Number of Pounds of Catch	Number Days Spent Fishing (mobile gear) or Gear Units Deployed (fixed gear)	Dollar Value of Catch
Start	End			
<b>c. Fishing Trip after loss occurred or was discovered</b>				
Date of Trip		Number of Pounds of Catch	Number Days Spent Fishing (mobile gear) or Gear Units Deployed (fixed gear)	Dollar Value of Catch
Start	End			

2. Attach copies of the fish trip tickets (e.g., Vessel Trip Report).
3. Provide an estimate from gear repair or supply company to repair or replace lost or damaged gear.
4. If you are repairing the gear by yourself, provide a detailed estimate identifying the repair cost.