RWE

RWE Offshore US Gulf

Fisheries Communications Plan (DRAFT 08/02/24)

Document Date:	August 2, 2024
Document Number:	005222807
Revision Number:	02
Classification:	Public

Company	RWE Offshore US Gulf, LLC
Project	Offshore Wind Project, Lake Charles, Louisiana
Asset	Lease No. OCS-G 37334 (Lessee Company No. 15169)
Document Title	Fisheries Communications Plan (Draft 08/02/24)
Ecodoc Number	005222807
Revision Number	02

Date	Revision	Status / Reason for Issue
05 31 2024	01	Original version provided to BOEM for review
08 02 2024	02	Incorporated comments from BOEM and GMFMC Staff

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Glossary of Terms

Term	Definition
ACH	Automated Clearing House
BOEM	Bureau of Ocean Energy Management
BSEE	Bureau of Safety and Environmental Enforcement
Call	Call for Information and Nominations
COP	Construction and Operations Plan
CZMA	Coastal Zone Management Act
EA	Environmental Assessment
EEZ	Exclusive Economic Zone
EFH	Essential Fish Habitat
ESA	Endangered Species Act
FCP, Plan	Fisheries Communications Plan
FDR	Facility Design Report
FIN	Fisheries Information Network
FLOWW	The United Kingdom's Fishing Liaison with Offshore Wind and Wet
FSN	Final Sale Notice
Fund	Fisheries Compensatory Mitigation Fund
GFISHER	Gulf Fishery Independent Survey of Habitat and Ecosystem Resources
GLOW Propeller	Gulf Louisiana Offshore Wind Propeller
GMFMC	Gulf of Mexico Fisheries Management Council
GoMMAPPS	Gulf of Mexico Marine Assessment Program for Protected Species
GSMFC	Gulf States Marine Fisheries Commission
GW	gigawatt
HAPC	Habitat Area of Particular Concern
ICCAT	International Commission for the Conservation of Atlantic Tunas
Lease	Commercial Lease of Submerged Lands for Renewable Energy
LDWF	Louisiana Department of Wildlife and Fisheries
MSA	Magnuson-Stevens Fishery Conservation and Management Act
NATCP	Native American Tribal Communications Plan
NCCOS	National Centers for Coastal Ocean Science
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service (or NOAA Fisheries)
NM	nautical miles

Term	Definition
NOAA	National Oceanic and Atmospheric Administration
NYSERDA	New York State Energy Research and Development Authority
OCS	Outer Continental Shelf
OCS-G	Outer Continental Shelf-Gulf of Mexico
OFL	Onboard Fisheries Liaison
PSN	Proposed Sale Notice
RWE	RWE Offshore US Gulf, LLC (Lessee Company No. 15169)
SAP	Site Assessment Plan
SEAMAP	Southeast Area Monitoring and Assessment Program
SEFSC	Southeast Fisheries Science Center
SERO	Southeast Regional Office
TPWD	Texas Parks and Wildlife Department
U.S.	United States
USCG	United States Coast Guard
VMS	Vessel Monitoring System
VTR	Vessel Trip Report
WEA	Wind Energy Area

1.0 Introduction

In August 2023, RWE Offshore US Gulf, LLC (RWE) successfully secured the lease rights to an area off the coast of Louisiana as part of the Gulf of Mexico offshore wind lease auction. Designated as Outer Continental Shelf-Gulf of Mexico (OCS-G) 37334, the Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (Lease), executed by the Bureau of Ocean Energy Management (BOEM) and RWE, became effective on November 1, 2023.[1] Lease Area OCS-G 37334 encompasses 102,480 acres located approximately 31 nautical miles offshore of Cameron Parish, Louisiana (see Figure 1). The Lease Area is in water depths ranging from 15 – 24 meters (8 – 13 fathoms). The exploration and development of this offshore wind project (Project) will occur over the course of many years, subject to the requirements, regulations and additional approvals outlined in the Lease.

This Fisheries Communications Plan (FCP, Plan) provides a foundation and a framework for communicating with and building collaborative relationships with fishery participants, fishing communities and a range of fishery constituents (e.g., fishery management agencies, Tribes/Tribal Nations, industry associations, fishing related businesses). RWE is committed to an inclusive, holistic and adaptive approach to fisheries communication and outreach, and to building respectful and productive partnerships with the fishing community.[2] This Plan is the primary tool through which the RWE's Fisheries Team will develop effective communication channels, establish productive two-way dialogue, and inform the identification and minimization of fishery impacts throughout the life cycle of the Project. This Plan will also provide a framework for curating local knowledge from the fishing community and developing a shared understanding of current, historical and emerging fisheries resources, user groups and use patterns.

This Plan is intended to be a living document that adapts over time to incorporate feedback and experience and respond to new information and the needs of the fishing community. RWE's Fisheries Team will guide the development, use and evolution of the Plan to ensure it supports effective communication and collaboration, which are critical to sustainable and successful Project outcomes. The current version of this Plan, along

[1] The executed Lease for Lease Area OCS-G 37334 is available at: https://www.boem.gov/renewable-energy/state-activities/lease-ocs-g-37334-rwe-offshore-us-gulf-llc.

[2] The term "fishing community" is used throughout the FCP to encompass a broad range of fishery constituents. This includes fishery participants (i.e., individuals who fish commercially, charter and guide businesses, recreational anglers); shoreside seafood businesses (e.g., processors, buyers and dealers); marine suppliers and retailers (e.g., bait and tackle shops, fuel dock operators); other fishery and marine-related constituents (e.g., recreational boaters, harbor districts); and the communities that support and depend on commercial and recreational fisheries.

with all subsequent revisions, will be available on RWE's website: https://americas.rwe.com/our-energy/offshore-wind/.

In addition to this Plan, RWE is required to develop an Agency Communications Plan and a Native American Tribal Communications Plan (NATCP) to facilitate engagement with agency and tribal constituents. In recognition of overlapping fishery interests and management responsibilities, these three plans have been developed in close coordination, with the intent of streamlining communication and engagement efforts across constituent groups. Communication and engagement with state and federal fisheries science and management agencies will be coordinated through RWE's Agency Communications Plan. Similarly, communication and engagement with Tribes/Tribal Nations will be coordinated through RWE's NATCP. RWE recognizes that fisheries and fishery resources have important cultural, community and economic significance to Tribes/Tribal Nations in the Gulf of Mexico region. The Fisheries Team will work with RWE's Tribal Relations Manager to identify Tribes/Tribal Nations with an interest in the region's fishery resources and to gain a deeper understanding of the role of fisheries in the heritage of Tribes/Tribal Nations and the current and historical participation in commercial, recreational and Tribal fisheries. Survey plans developed ahead of any physical, biological or cultural resource surveys will be consistent with the Project's three communications plans.

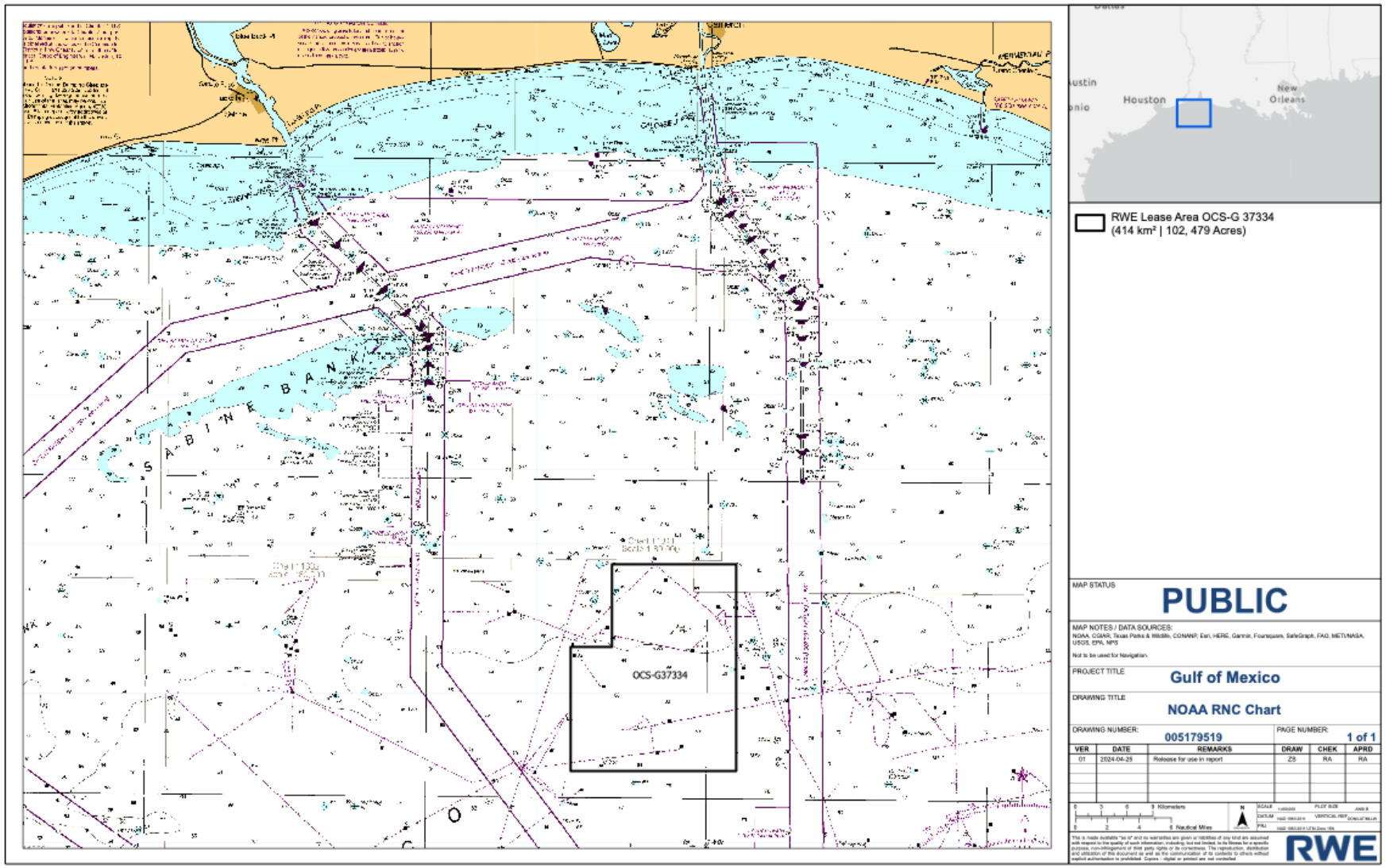

Figure 1: Lease Area OCS-G 37334

1.1 Fisheries Communications Plan Principles and Objectives

RWE is committed to developing offshore wind projects in a socially and environmentally responsible manner and creating net positive outcomes for communities and clean energy development. This Plan is intended to uphold and strengthen this commitment through thoughtful and collaborative engagement with fishing communities, building trust and genuine relationships, and proactively ensuring that fishery constituents have meaningful opportunities for input. The following principles are central to the values and philosophy of RWE and will guide the development, implementation and adaptation of the Plan:

- **Safety:** Promote the safety of all ocean and coastal users including fishery participants, fishing communities, Tribes/Tribal Nations and Project crews, throughout all Project phases.
- **Equity:** Ensure engagement efforts are comprehensive across fishery, ocean and coastal constituent groups, including underserved and non-traditional constituents.
- **Adaptation:** Respond to the changing needs of fishery participants and fishing communities, incorporate new information and learning, and actively adapt to improve communication methods and strategies.
- **Collaboration:** Build a sustainable shared future for fisheries and offshore wind through a collaborative and inclusive approach that promotes positive ecosystem benefits and mutually successful outcomes.
- **Respect:** Build trust through developing respectful relationships, curating local knowledge and expertise and working closely with fishing communities to understand their concerns.
- **Transparency:** Promote transparency through timely two-way communication that is responsive to the communication preferences of fisheries participants and fishing communities.
- **Efficiency:** Ensure communication and outreach activities are coordinated and streamlined to achieve efficient communications at the appropriate cadence for all fisheries constituent groups.

Fisheries Communications Plans are an essential mechanism for facilitating communication and coordination with fishing communities and avoiding, minimizing and mitigating impacts, to the extent practicable, throughout the life cycle of the Project. RWE's Fisheries Team will work collaboratively with fishing communities and internal workstreams to achieve the following objectives.

1. Ensure that fishing communities are proactively informed of Project activities and aware of the opportunities to engage and provide input at each stage of the Project.
2. Cultivate a deep understanding of fisheries, fishery participants, fishing communities, and other ocean and coastal stakeholders, to inform project activities and integrate fishery considerations into the design of the Project.
3. Promote opportunities for collaboration and mutually positive outcomes, including opportunities for the fishing industry to participate in cooperate research, monitoring and Project activities, and to work together to identify challenges and develop effective solutions.

The development of this Plan has been informed by direct engagement with Gulf of Mexico fishing communities, RWE's experience in the United States (U.S.) and internationally, and a body of guidance and best practices relevant to offshore wind development and fisheries engagement. RWE is actively involved in regional and national efforts relating offshore wind development, effective engagement with fishing communities, assessing and minimizing impacts to fisheries, and developing environmental monitoring protocols. To support continuous improvement, this Plan will be updated to incorporate best practices and new ideas emerging from these efforts. Resources consulted during the development of this Plan, along with a summary of ongoing efforts, are provided in Appendix A.

1.2 Roles and Responsibilities

1.2.1 RWE Fisheries Team

RWE's Fisheries Team has extensive professional experience, a deep understanding of fisheries, and is respectful and approachable. RWE's Fisheries Team brings together decades of experience in state and federal fisheries management, cooperative fisheries research, seafood supply chains, and commercial and recreational fisheries. Team members also bring extensive experience working with Regional Fishery Management Councils. The Council process is a public, transparent, and stakeholder-driven process that utilizes local knowledge to develop science-based management strategies that balance many objectives. The RWE Fisheries Team intends to apply many of these same principles to engage and collaborate with fishing communities to design, construct, and operate a successful project. Contact information for key members of the RWE Fisheries Team is provided in Table 1, below. Brief biographies and a summary of responsibilities for each individual follow.

Table 1: RWE Fisheries Team Contact Information

Name/Title	Contact Information
Ricky Alexander (Primary Contact) Fisheries Liaison	RWE Offshore Wind Holdings, LLC 100 Federal St., 6th Floor Boston, MA 02110 Email: Ricky.Alexander@rwe.com Cell: 312-504-9085
Deirdre Boelke Fisheries Manager	RWE Offshore Wind Holdings, LLC 100 Federal St. Boston, MA 02110 Email: Deirdre.Boelke@rwe.com Cell: 978-518-0638
Rick Robins Director of Marine Affairs	RWE Offshore Wind Holdings, LLC 100 Federal St., 6th Floor Boston, MA 02110 Email: Rick.Robins@rwe.com Cell: 757-876-3778

Ricky Alexander, Fisheries Liaison (Primary Contact)

Ricky has more than 18 years of experience as a fisheries and marine scientist. Prior experience includes at-sea monitoring of fishing vessels from all three U.S. coasts, offshore geotechnical survey work, and a broad range of fisheries research. Ricky's research portfolio includes commercial fishing gear optimization, seafloor and movement ecology, artificial reef development and fish reproduction. Ricky earned a Master of Science degree in biology from the University of Texas and a Bachelor of Science degree in marine biology from the University of Maine.

As Fisheries Liaison, Ricky serves as RWE's primary point of contact for communication and coordination with commercial and recreational fishing communities. Responsibilities include:

- Establish effective and efficient communication channels to support two-way dialogue with fishery participants and fishing communities and ensure the timely dissemination of information related to Project activities.
- Collaborate with Fishery Representatives, Fishery Technical Advisors and other fisheries roles (Section 1.2.2), once onboarded, to develop a deep understanding of local fisheries and fishing communities and develop a comprehensive list of fishery constituents with an interest in the Project.
- Engage directly with fishery participants and industry representatives to curate local knowledge and input, and inform Project activities, including the development of survey and site assessment plans.

- Effectively convey fishing community concerns to the Project Team and facilitate the proactive and collaborative identification of potential conflicts and solutions.
- Coordinate and communicate site activities with affected fishing communities and develop a process for filing complaints and remediating conflicts between mariners and the Project's offshore activities.

Deirdre Boelke, Fisheries Manager

Deirdre has over 20 years of staff experience with the New England Fishery Management Council. She worked on most fishery management plans during her tenure with the Council, including plan coordinator for the Atlantic sea scallop and Atlantic herring fishery management plans. She was the staff lead for the Council's Atlantic sea scallop Research Set Aside program, which coordinated cooperative research to support the management of the fishery. She also staffed the coastwide climate change scenario planning initiative and other regional and national fishery management policy projects. Deirdre has a Master of Marine Affairs degree from the University of Rhode Island and a Bachelor of Science degree in biology from Georgetown University.

As Fisheries Manager, Deirdre oversees engagement with fishery participants and fishing communities for RWE's offshore wind projects and works closely with other team members to coordinate engagement activities. Responsibilities include:

- Ensure the objectives of the Plan are achieved through the development, implementation and adaptation of effective outreach and engagement strategies.
- Lead and coordinate engagement with all relevant fisheries constituents, including, but not limited to commercial, recreational and Tribal fisheries; state, federal, and regional fisheries managers; industry associations and organizations; shoreside businesses; and fisheries science and research entities.
- Lead and coordinate the development of fisheries research and monitoring plans, and the development of fisheries mitigation and compensation programs.
- Integrate information and input from fishing communities into the design and development of the Project.

Rick Robins, Director of Marine Affairs

Rick has a 30+ year background in commercial fisheries development, seafood processing and export market development, and additional experience in state and federal fisheries management. He served as an Associate Member of the Virginia Marine Resources Commission, chaired the Mid-Atlantic Fishery Management Council, and served as a fisheries liaison for offshore wind energy development. Rick earned a Master of Business Administration from the University of North Carolina at Chapel Hill, and his Bachelor of Arts in economics and history from Washington and Lee University.

As Director of Marine Affairs, Rick plans and coordinates the Project's marine operations and interactions with maritime industries. Responsibilities include:

- Lead and coordinate marine affairs to support the development of the company's offshore wind energy development projects.
- Lead engagement with relevant maritime stakeholders, including, but not limited to commercial, recreational and Tribal fisheries, commercial shipping, offshore energy industries including oil and gas, owner/operators of subsea infrastructure, ports and harbors operators, the US Department of Defense, the US Coast Guard (USCG), BOEM, and the Bureau of Safety and Environmental Enforcement (BSEE).
- Lead development of marine affairs strategies and maritime stakeholder engagement plans.

1.2.2 Additional Fisheries Roles

In addition to RWE's Fisheries Team, the Project may enlist fishery participants and community members to serve in a variety of roles at the appropriate point in the development process, including Fishery Representatives or Fishery Technical Advisors. The Project may also enlist Onboard Fisheries Liaisons (OFLs) and scout vessels to support offshore site assessment activities, as needed. The purpose of these additional roles is to work closely with RWE's Fisheries Liaison to promote effective coordination and communication between the Project and local and regional fisheries.

Prior to the site assessment phase, the Fisheries Team will work collaboratively with the fishing community to understand their needs and articulate an appropriate representation and engagement model. This will include refining the specific fisheries roles needed to achieve the objectives of this Plan, and identifying individuals who are respected and trusted by the communities they serve and equipped to effectively perform the necessary functions. The Fisheries Team will also engage with fishing associations and other industry groups to explore the role existing organizations might play in an effective engagement model. The Fisheries Team anticipates enlisting multiple representatives and advisors to meet the needs and interests of different fisheries and groups of fishery participants as the project progresses through the different development phases.

Below is an initial description of the fishery roles currently envisioned for this Project that may be added at the appropriate point in the development process. This Plan will be updated to reflect any changes to roles and responsibilities and provide contact information for the individuals or associations serving in the roles, once identified and onboarded. Contact information for these points of contact will also be actively distributed to the fishing community.

Fisheries Representative: Fisheries Representatives will play a key role in communicating with and representing the interests of the fishery participants and fishing communities they represent. Responsibilities of Fisheries Representatives may include:

- Serve as a trusted focal point for communication and coordination with the fishing industry, including disseminating Project information and facilitating effective outreach and engagement.
- Provide recommendations and advice regarding the identification and engagement of all interested and/or affected fishery constituents.
- Represent the interests of local and regional fisheries, including identifying, understanding and proactively communicating industry concerns to RWE's Fisheries Team.
- Work with the RWE Fisheries Liaison to improve and adapt this Plan in response to feedback.

Fisheries Technical Advisor: Fisheries Technical Advisors will provide technical expertise regarding the characteristics and operations of local and regional fisheries so that potential impacts can be avoided, minimized, and thoughtfully considered throughout the Project lifecycle. It is anticipated that Fishery Representatives may also serve as Fisheries Technical Advisors. Responsibilities for Fisheries Technical Advisors may include:

- Provide detailed information about fishing activity in and around the Lease Area (e.g., vessel movement, gear configuration, peak fishing seasons).
- Provide feedback and recommendations regarding impact avoidance and mitigation strategies and work with RWE's Fisheries Liaison to identify opportunities for improving the Project's compatibility with local and regional fisheries.

Onboard Fisheries Liaisons (OFLs) and scout vessels: During the site assessment phase of the Project, OFLs may be utilized to support real-time coordination between fisheries and survey activity (Section 5.1.3). The use of scout vessels will be assessed depending on the level of coordination needed with fixed gear fisheries. OFLs and scout vessels will promote safety, effective communication, and the avoidance of interactions with fishing activities and/or fishing gear.

2.0 Project Background

2.1 Company Background

RWE (Lessee Company No. 15169), including its global affiliates, is one of the world's leading renewable energy companies that is driving the expansion of green energy in more than 20 countries on five continents. RWE has a goal of creating 65 gigawatts (GW) of clean energy by 2030. The U.S. is a key part of RWE's renewable energy goals where the company has a current capacity of approximately 9 GW, which includes onshore and offshore wind farms, onshore solar, battery storage facilities, hydropower, and biomass. RWE is also the second largest offshore wind developer in the world, with 19 offshore wind projects in operation. It is becoming the fastest-growing offshore wind company in the U.S. after recent acquisitions of approximately 6 GW of seabed capacity off the Pacific, Atlantic and Gulf Coasts.

2.2 Lease Area Overview

Lease Area OCS-G 37334 is located approximately 31 nautical miles (NM) (58 kilometers or 36 miles) offshore of Cameron Parish, Louisiana. The Lease Area encompasses 102,480 acres of seabed in water depths ranging from 15 – 24 meters (8 – 13 fathoms or 49 – 79 feet). If fully developed, the renewable energy capacity of the Project is estimated at 2 GW, which could theoretically power more than 350,000 homes annually. The Project is defined as the Lease Area, the potential area between the Lease Area and shore that will be considered for an export cable corridor, and the onshore interconnection to the electric grid. Both the export cable corridor and the onshore interconnection have not yet been determined.

2.3 Siting and Leasing Process

On November 1, 2021, BOEM published a Call for Information and Nominations (Call) outlining the Gulf of Mexico Call Area. Based on extensive spatial modeling and input received during the Call, BOEM identified two draft Wind Energy Areas (WEAs). The first draft WEA was comprised of 546,645 acres located off the coast of Galveston, Texas. The second draft WEA was comprised of 188,023 acres located off the coast of Lake Charles, Louisiana. After soliciting and reviewing public comment on the draft WEAs, BOEM announced two final WEAs within the Call Area on October 31, 2022, the Lake Charles WEA and the Galveston WEA. The refined, final Lake Charles WEA totaled 102, 480 acres located approximately 31 NM off the coast of Lake Charles, Louisiana.[3]

[3] Final Sale Notice Decision Memorandum: https://www.boem.gov/renewable-energy/state-activities/gomw-1-final-sale-notice-decision-memorandum

On February 22, 2023, BOEM published a Proposed Sale Notice (PSN) outlining three specific lease areas within the two WEAs. The Lake Charles Lease Area (OCS-G 37334) reflected the full extent of the area identified as the final Lake Charles WEA. Two additional lease areas were identified within the Galveston WEA (OCS-G 37335 and OCS-G 37336). Following review of comments received on the PSN, BOEM issued a Final Sale Notice (FSN) for the three discrete lease areas on July 21, 2023.[4] RWE was successful in winning the bid for the Lake Charles Lease Area during the August 2023 auction. The lease for OCS-G 37334 became effective on November 1st, 2023.

Concurrent with the above process, BOEM conducted an environmental assessment (EA) to consider the potential environmental consequences of site assessment and characterization activities expected to occur following the issuance of wind energy leases. The EA analyzed potential environmental impacts across the entire Gulf of Mexico Call Area. The draft EA was released on July 20, 2022, followed by a 45-day comment period and two public meetings. The final EA was published on May 26, 2023, concluding that site assessment and characterization activities would have no significant impact on the environment.[5] Parallel to the development of the EA, BOEM conducted consultations under the Endangered Species Act (ESA) and Magnuson-Stevens Fishery Conservation and Management Act (MSA) and consistency reviews under the Coastal Zone Management Act (CZMA).

Throughout the siting process, BOEM narrowed and refined the areas suitable for offshore wind development within the broader Gulf of Mexico Call Area. The identification of the three discrete lease areas for auction in 2023 was informed by stakeholder engagement and partnership with the National Centers for Coastal Ocean Science (NCCOS) to conduct and integrate spatial modeling into the area identification process.[6] Stakeholder engagement with fishery constituents included small, targeted meetings with fishermen's organizations, as well as a series of four, sector-specific fisheries workshops in January 2022.[7] The fisheries submodel used in the NCCOS ocean planning model included recreational and commercial fisheries data to assess the extent of fishing effort across the Call Area. The major commercial fisheries operating within and adjacent to the Call Area include the commercial shrimp, reef fish, pelagic longline, coastal migratory pelagic and Gulf menhaden fisheries. Recreational fisheries inside the Call Area include reef fish and pelagic/highly migratory species.

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[4] Final Sale Notice: https://www.federalregister.gov/documents/2023/07/21/2023-15501/final-sale-notice-fsn-for-commercial-leasing-for-wind-power-development-on-the-outer-continental
[5] Final Environmental Assessment: https://www.boem.gov/renewable-energy/state-activities/gom-wind-lease-ea-0
[6] WEA Siting Analysis for the Gulf of Mexico Call Area: https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/GOM-WEA-Modeling-Report-Combined.pdf
[7] Gulf of Mexico Fisheries Summit: https://www.boem.gov/renewable-energy/state-activities/gulf-mexico-fisheries-summit

Based on this analysis, BOEM identified specific WEAs that were deemed more suitable for offshore wind development given their limited overlap with fishing effort. The Lake Charles WEA (which later became Lease Area OCS-G 37334) was selected given its location outside the 20 NM coastal buffer recommended by the Gulf of Mexico menhaden fishery and its limited overlap with the commercial shrimp fishery. The Lease Area is also located inshore of pelagic longline and bandit gear fisheries, which occur in deeper waters.[8]

Informed by the public consultation process and prior offshore wind auctions, BOEM incorporated a number of fishery related conditions into the Lease, including reporting requirements, stipulations to minimize, to the extent practicable, potential impacts to fisheries, and the development of a Fisheries Communications Plan. RWE also elected to receive a fisheries compensatory mitigation fund bidding credit and has thus committed to contributing 10% of the lease acquisition fee into a Fisheries Compensatory Mitigation Fund (see Section 5.3.1).

This Plan has been developed at the outset of site assessment and characterization activities, which will provide detailed technical information about the Lease Area. These activities, along with collaborative dialogue with fishing communities, Tribes/Tribal Nations, federal and state agencies, and other partners and stakeholders, will inform the development of a Construction and Operations Plan (COP). The COP will be subject to additional environmental assessment and regulatory review, as required by law, and will provide additional opportunities for public input prior to the start of any construction activities. This Plan will evolve as the Project moves through different stages of design and development to reflect the communication and engagement needs of those specific stages. A brief summary of the offshore wind development process is included in Section 5.

3.0 Fisheries Characterization

There are several commercial and recreational fisheries that operate within, around and shoreward of the Lease Area. Conversations with local fishing communities and fishery modeling conducted by BOEM and NCCOS provide a starting point for identifying specific fisheries operating in and transiting the Lease Area. Initial efforts to characterize fisheries and identify constituent groups have focused on six key areas: commercial fisheries, recreational fisheries, shoreside infrastructure and fishing-related businesses, fisheries science and management, fisheries habitats, and other ocean users.

[8] Preliminary WEA Area Identification Decision Memorandum: https://www.boem.gov/sites/default/files/documents//Draft%20Area%20ID%20Memo%20GOM%20508.pdf

A core objective of this Plan is to collaborate with fishery participants and fishing communities to develop a precise and detailed understanding of local and regional fisheries, and to integrate fisheries information early and often to proactively avoid or minimize fishery impacts throughout the lifecycle of the Project. This includes identifying peak fishing seasons and ensuring that, to the extent practicable, survey and development activities are compatible with seasonal fishing operations. The Fisheries Team also recognizes the dynamic and Gulf-wide nature of fisheries and the importance of identifying and engaging with fishery constituents beyond those who are based in Louisiana. Additionally, this Plan reflects the importance of considering not only current and historical fisheries, but how markets, regulations, infrastructure, and ecosystem change may shape fisheries over time, and to the need to adapt communication and engagement strategies in response. The Fisheries Team will continue engaging with fishing communities in Louisiana, as well as fishing communities in Texas, Mississippi, Alabama and Florida to develop a comprehensive understanding of fisheries that may intersect with the Project area. The Fisheries Team will also identify and consult additional datasets to develop a robust understanding of fishery operations; these datasets may include Vessel Monitoring System (VMS) data, and commercial and recreational fisheries data compiled by the Gulf States Marine Fisheries Commission (GSMFC) Fisheries Information Network (FIN).

3.1 Commercial Fisheries

Commercial fisheries are an important economic driver for communities along the Louisiana coast and are highly valued for their cultural and community significance. As noted in the Final EA for the Gulf of Mexico Call Area, the Gulf of Mexico commercial fishing industry represented approximately 26% of U.S. landings and 19% of total fishery value for the Nation.[9] From 2018 – 2022, commercial fisheries in the Gulf of Mexico landed an average of 862 billion pounds annually, worth approximately $1.3 billion. In the same period, landings in Louisiana averaged 869 million pounds representing nearly $355 million annually in ex-vessel value.[10]

According to conversations with fishery participants and the siting analysis conducted by NCCOS and BOEM (Section 2.3), reef fish and shrimp are the primary commercial fisheries that overlap with the Lease Area.[11] Reef fish are harvested commercially using bandit reels and bottom longlines. Reef fish may be targeted inside and inshore of the Lease Area; however, it is believed most effort for reef fish occurs in deeper waters

[9] Final Environmental Assessment: https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/GOM%20Wind%20Lease%20EA_0.pdf
[10] NOAA Fisheries Landings Data: https://www.fisheries.noaa.gov/foss/f?p=215:200
[11] WEA Siting Analysis for the Gulf of Mexico Call Area: https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/GOM-WEA-Modeling-Report-Combined.pdf; BOEM Gulf of Mexico Preliminary WEA Decision Memorandum: https://www.boem.gov/sites/default/files/documents//Draft%20Area%20ID%20Memo%20GOM%20508.pdf

south of the Lease Area. Shrimp are primarily harvested using small mesh otter trawl nets equipped with turtle excluder devices (except hand-hauled and test nets, which have a tow duration restriction). Skimmer nets and butterfly nets are also used to harvest shrimp in nearshore and inshore waters. BOEM's WEA siting analysis indicated a less than 5% overlap between the Lease Area and areas with moderate to high shrimp fishing effort.[12] The majority of shrimp fishing occurs inshore of the Lease Area, within 20 NM from shore. There may also be some effort for coastal migratory pelagic species (e.g., king mackerel, Spanish mackerel, cobia) within and around the Lease Area.

Additional commercial fisheries that occur inshore of the Lease Area include blue crabs, menhaden, oysters, and coastal finfish (e.g., sheepshead, black drum, tripletail). Commercial fishing for highly migratory species (tunas, swordfish and sharks) occurs in deeper waters, south of the Lease Area. Initial conversations indicate that the highly migratory species and shrimp fishing fleets are highly mobile, transiting and fishing throughout the Gulf of Mexico. The Fisheries Team will continue to engage with the Gulf of Mexico commercial fishing community to better understand the spatial and temporal nature of these fisheries, specific gear configurations, and the fleet's use and transit patterns within the Lease Area and potential export cable corridors.

3.2 Recreational Fisheries

Recreational fisheries are important contributors to coastal economies along the Gulf of Mexico, supporting tourism and providing local communities with valuable recreational opportunities and access to fishery resources. As noted in the Final EA, recreational fisheries in the GOM had the highest percent of recreational fishing trips in the U.S., representing 28% of the total trips and 37% of total recreational catch in 2018. The majority (approximately 95%) of saltwater fishing trips in the Gulf of Mexico occur in state waters.[13]

The recreational sector includes both private anglers and individuals who access fisheries through charter businesses. Based on Louisiana's 2024 license registry, there are approximately 775 registered saltwater charter boat captains in the state.[14] Initial conversations have also indicated that charter operators from Galveston, Texas frequently fish in federal waters off the Louisiana coast.

Recreational anglers who fish in federal waters primarily target reef fish, coastal migratory pelagic species and highly migratory species. Based on initial conversations

[12] Preliminary WEA Area Identification Decision Memorandum: https://www.boem.gov/sites/default/files/documents//Draft%20Area%20ID%20Memo%20GOM%20508.pdf
[13] Final Environmental Assessment: https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/GOM%20Wind%20Lease%20EA_0.pdf
[14] Louisiana Department of Wildlife and Fish Charter License Search: https://www.wlf.louisiana.gov/page/charter-license-search

with recreational fishing associations, recreational anglers are among the primary users of the Lease Area, targeting reef fish and coastal migratory pelagic species with hook and line gear. Recreational anglers may also fish for reef fish and other species in the vicinity using spears and spearguns. Fishing for highly migratory species predominantly occurs south of the Lease Area in deeper waters. Given that offshore wind infrastructure may function as artificial reef structure, recreational fishing effort may increase inside the Lease Area following construction, as reef and pelagic stocks congregate around the foundations.

The Fisheries Team will continue to work with local recreational anglers, recreational and charter fishing associations, and state and federal agencies to identify additional recreational fisheries in the area and curate a detailed understanding of the seasonality, operation and dynamics of recreational fisheries and the anglers who participate in them.

3.3 Shoreside Infrastructure and Fishing-Related Businesses

Commercial and recreational fisheries depend on a suite of local and regional businesses and municipalities to provide services, supplies and necessary infrastructure. These support businesses are reciprocally dependent on commercial and recreational fisheries. Critical shoreside infrastructure for commercial fisheries includes seafood processors, buyers and dealers, ice suppliers, cold storage facilities, fuel docks, marinas, and a range of marine and fishing related businesses (e.g., vessel repair, fabrication, boat yards, diesel mechanics, net manufacturers, equipment dealers). Infrastructure for recreational fisheries includes sporting goods stores, bait and tackle shops, fuel docks, vessel repair shops, marinas, and boat launches. The Fisheries Team will work with fishery participants and fishing communities to understand the shoreside linkages for fisheries occurring within or transiting the Project area and identify the shoreside businesses and other fishery related constituents with an interest in the Project. Initial conversations with fishery participants suggest that the ports of Cameron Parish, Sabine, and Galveston are likely to support commercial and recreational fisheries in the area.

3.4 Fisheries Science and Management

Commercial and recreational fisheries off the coasts of Louisiana and Texas are managed by a suite of federal and state agencies and entitles. These include the Gulf of Mexico Fisheries Management Council (GMFMC), National Marine Fisheries Service (NMFS) Southeast Regional Office (SERO), Louisiana Department of Wildlife and Fisheries (LDWF), Louisiana Wildlife and Fisheries Commission, Texas Parks and Wildlife Department (TPWD), and Texas Parks and Wildlife Commission. The Gulf States Marine Fisheries Commission (GSMFC), NMFS Southeast Fisheries Science Center (SEFSC), and the International Commission for the Conservation of Atlantic Tunas (ICCAT) also contribute to the management and coordination of fisheries in the Gulf of Mexico, and the collection, analysis, and integration of fisheries, habitat, and

ecosystem data. The Fisheries Team will work with the above agencies to identify additional fisheries science and management constituents, including fish and wildlife agencies in neighboring states, inter-governmental partnerships and fisheries research organizations.

3.5 Fisheries Habitats

The Lease Area overlaps with habitats that are designated as Essential Fish Habitat (EFH) for reef fish, shrimp, stone crab and coastal migratory pelagic species managed by GMFMC. The Lease Area also overlaps with EFH for highly migratory species, which are managed by NMFS. The EFH designation for highly migratory species is widespread and includes all state and federal waters in the Gulf of Mexico and Atlantic ocean out to the 200-mile U.S. Exclusive Economic Zone (EEZ). GMFMC and NMFS have also identified Habitat Areas of Particular Concern (HAPC) for managed species in the Gulf of Mexico. A large HAPC has been designated as EFH for bluefin tuna, beginning at the 100-meter isobath and extending south to the seaward limit of the EEZ. GMFMC has designated approximately 18 discrete HAPCs in the Gulf of Mexico which contain coral reefs, coral colonies, and/or important habitat to reef fish and shellfish species. The Lease Area does not overlap with any HAPC locations; all HAPC off the coast of Louisiana occur south of the Lease Area.[15]

The Gulf of Mexico is also home to the Flower Garden Banks National Marine Sanctuary. The sanctuary consists of 17 discrete reefs and banks located 80 miles off the coast of Texas and 125 miles off the coast of Louisiana. The sites contained within this sanctuary are also designated as HAPC by GMFMC. The Flower Garden Banks National Marine Sanctuary is located approximately 60 NM from the southern edge of the Lease Area.

In the Gulf of Mexico, soft bottom habitat is the most prevalent type of benthic habitat, accounting for approximately 90 % of the OCS. Bottom sediments on the OCS offshore of Louisiana and Texas are predominantly mud, which is derived primarily from the Mississippi River and Atchafalaya River outflows. The north central region of the Gulf of Mexico also experiences seasonal hypoxia. During the summer months, riverine inputs may cause shelf stratification which results in large hypoxic zones in bottom waters on the Louisiana and Texas OCS. The low oxygen conditions within the hypoxic zones may have negative impacts on fish stocks and other marine species.[16]

[15] EFH and HAPC designations can be found in the following GMFMC and NMFS Fishery Management Plans: https://gulfcouncil.org/wp-content/uploads/FINAL3_EFH_Amendment_508Compliant.pdf and https://www.fisheries.noaa.gov/action/amendment-10-2006-consolidated-hms-fishery-management-plan-essential-fish-habitat

[16] Final Environmental Assessment: https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/GOM%20Wind%20Lease%20EA_0.pdf

3.6 Other Ocean Users

The Louisiana and Texas Coasts offers a wide range of non-consumptive recreational opportunities and supports a variety of non-fishing ocean and coastal users. The NCCOS WEA Siting Analysis identifies and maps local ocean-based recreational activities, including sailing, boating and wildlife viewing in ocean and tidal waters. While these activities occur throughout the Gulf of Mexico, recreational boating is concentrated in waters inshore of the Lease Area. Recreational ocean and coastal activities support and are supported by a host of shoreside businesses, organizations and municipalities, including local tourism companies, parks and recreation districts, state and federal wildlife refuges, and local recreational associations and yacht clubs. The Gulf of Mexico also supports a range of commercial activities in ocean and coastal waters, including aquaculture, oil and gas development, submarine cable operators, and other maritime industries.

While non-fishery ocean and coastal user groups are not a primary focus of this Plan, the Lease includes a requirement for RWE to engage with other ocean users and maritime industries during the development of the Project. The Fisheries Team will work with local governments and community members to identify ocean and coastal user groups that should be informed of Project activities and engaged in the development of the Project. RWE anticipates that engagement with non-fisheries ocean and coastal constituents will be coordinated across internal teams to support effective and streamlined engagement.

4.0 Fisheries Engagement and Communication Strategies

4.1 Overarching Approach

Through the implementation of this Plan, The Fisheries Team will employ a variety of engagement methods to ensure that fishery constituents are proactively informed of Project activities and to identify concerns and co-develop solutions that support safe, successful and sustained shared use of the Lease Area. The general strategies outlined in Table 2 will be used to establish an interconnected communication network, with specific strategies tailored to the needs of various fishery constituent groups. The Fisheries Team will work closely with fishery participants and fishing communities to further develop and refine communication strategies and tailor the level of detail and frequency of communications to the interests of different constituents relative to the different Project phases. A detailed description of communication and coordination strategies proposed for the initial site assessment and characterization phase are outlined in Section 5.1 of this Plan.

Table 2: Fisheries Engagement and Communication Strategies

Strategies for Sharing Project Information	Strategies for Two-way Engagement and Collaboration
Electronic Communication Strategies: RWE website, SMS text alerts, email, listservs, social media, mobile applications, webinars, videos, radio, podcasts, information hotline, television interviews. Other Communication Strategies: paper notices (distributed and/or posted at key businesses, local marinas, or recreational access points), USCG Local Notices to Mariners, association newsletters, press releases, print and online newspapers, presentations at virtual and in-person meetings and events, information distributed through GMFMC and LDWF networks, hosted port hours, word of mouth through Fisheries Liaisons and fishery representatives, specific outreach materials (e.g., FAQ, nautical charts).	One-on-one conversations, small group meetings, community and town hall meetings, focus groups, and workshops. Attend GMFMC meetings, as well as meetings of other management bodies and associated advisory boards, as appropriate. Attend industry association meetings, as appropriate. Participate in community and fishery-related events. Partner with fishermen, fishing organizations, and research entities to conduct collaborative fisheries research and monitoring.

The intent of this Plan is to build a comprehensive and inclusive engagement strategy that facilitates participation by everyone who has an interest in the Project, including those who have not historically been involved in these types of processes. In particular, this Plan will seek to identify and engage environmental justice and underserved communities and to develop communication strategies that minimize linguistic, technological, cultural and other obstacles to participation. The Fisheries Team will collaborate across internal Project teams and with state and federal agencies and other partners to support the capacity of constituent groups to actively engage in the Project.

While the Fisheries Team will continually strive for broad and inclusive engagement, it is anticipated that some fishery constituents and ocean users may not wish to provide input or receive communications regarding Project activities. Should constituents be unresponsive to communications or invitations to engage in Project discussions, the Fisheries Team will continue to share information and offer opportunities for engagement until notified by the constituent that they no longer wish to receive any communications. The Fisheries Team will request that the constituent provides written notice of their communication preferences to support record-keeping, and the request will also be documented by the Fisheries Team. Fisheries constituents who initially elect not to engage in the process will always be welcome to participate in the future or opt-in to future project communications and updates.

4.1.1 Commercial and Recreational Fisheries

The Fisheries Team will use a suite of communication and engagement strategies to share Project information and facilitate two-way dialogue with commercial and recreational fishery participants and fishing communities. Conversations with fishery representatives and RWE's experience on the U.S. East and West Coasts highlight the importance of a multifaceted communication strategy that reflects the communication preferences of different fishery sectors and individual fishery participants. The Fisheries Team will develop and maintain a list of contacts for commercial and recreational fishery participants and will work to identify existing communication channels that can be utilized to communicate Project information. For example, several fishery constituents have recommended that providing information and updates to GMFMC is an effective way to reach individual fishery participants.

Commercial and recreational fishing associations and representatives serve an important role representing fishery interests in local, state, and federal decision-making forums and keeping their members informed. The Fisheries Team has identified several local commercial fishing associations including the Gulf of Mexico Reef Fish Shareholder's Alliance, Southern Shrimp Alliance, Louisiana Shrimp Association, and Texas Shrimp Association. Recreational fishing associations identified to date include the Charter Fisherman's Association, Louisiana Charter Boat Association, Hell Divers spearfishing Club, and the Louisiana and Texas chapters of the Coastal Conservation Association. The Fisheries Team will continue engaging with fishing communities and state and federal agencies to identify additional associations and organizations who wish to be informed of or engaged with the Project. It will also be important to identify community events or holidays that are important to commercial and recreational fishing communities (e.g., seafood festivals, recreational fishing tournaments) to avoid and minimize fishery and community impacts.

Fishing associations and representatives also play a key communication role with their members. Many send out regular communications, gather for meetings, and host or participate in community events. The Fisheries Team will maintain regular communication with associations to provide updates on Project activities, provide information for distribution to association members, and be available to answer questions and discuss industry concerns. Fishing associations will also be a key point of contact for identifying fishery constituents and providing detailed fishery information to inform the design of the Project.

4.1.2 Shoreside Infrastructure and Fishing Related Businesses

Shoreside fishing-related businesses represent another important fishery constituent group in the Gulf of Mexico. This Plan seeks to ensure the businesses and municipalities that provide support and infrastructure for commercial and recreational fisheries are informed of Project activities and able to provide input. The Fisheries Team will work

with the fishing community to identify these entities and develop appropriate communication and engagement strategies.

Shoreside infrastructure and fishing businesses also can also be important communication nodes for reaching commercial and recreational fishermen. The Fisheries Team will work with local fishing businesses, harbor districts other municipalities to identify the best opportunities for sharing information with fishing communities and opportunities for these entities to transmit industry concerns and questions. This Plan will also endeavor to identify businesses, municipalities and industry associations outside Louisiana who may have a direct or indirect interest in the Projects. These groups may also be able to assist with identifying and communicating with geographically dispersed fishing constituents (e.g., highly migratory species fishery participants) throughout the Gulf of Mexico.

4.1.3 Other Ocean Users

The Fisheries Team will work closely with community members, local municipalities, and offshore industries to identify additional ocean and coastal user groups, develop a list of contacts (e.g., marine tourism, aquaculture and telecommunication businesses) and identify the appropriate cadence for communications and Project updates. The Fisheries Team anticipates that local municipalities and other entities that manage ports, marinas and boat access points will be key communication notes for identifying and communicating with non-fishery ocean and coastal user groups. The Fisheries Team will also coordinate with internal Project teams and offshore industry organizations to coordinate communication and engagement with other offshore industries.

4.1.4 Fisheries Science and Management

As described in Section 3.4 there are several state and federal management agencies and entities that participate in the stewardship of commercial and recreational fisheries in the Gulf of Mexico. This Plan recognizes the time and resources required for fishery scientists and managers to engage in offshore wind projects. The Fisheries Team will work with each respective entity to understand their needs and constraints and articulate a communication strategy that provides timely and orderly information and establishes efficient mechanisms for dialogue and collaboration. State and federal agencies with fishery management responsibilities are also identified as agency constituents in the Project's Agency Communications Plan. The Fisheries Team will work closely with other internal Project teams to ensure communication and engagement are streamlined.

The agencies and entities involved in fisheries science and management each have extensive experience communicating and engaging with commercial and recreational fishing communities and have established processes for sharing information, conducting outreach, and soliciting input. The Fisheries Team will work collaboratively with these agencies and entities to integrate their input and knowledge into the constituent mapping process and the development and evolution of the Plan's communication and outreach

strategies. The Fisheries Team will also collaborate with fishery managers to assess the viability and appropriateness of utilizing existing communication pathways to reach fishery constituents in efficient and familiar ways. The Fisheries Team has initiated conversations with GMFMC, SERO, SEFSC, GSMFC and LDFW to identify opportunities to leverage existing communication channels and efficiently communicate with commercial and recreational fishing communities. Initial conversations with fishery constituents have highlighted the importance of GMFMC as a regional forum for engaging and communicating with fishing communities throughout the Gulf of Mexico.

4.2 Coordinating Offshore Science and Research Activities

The frameworks for managing state and federal fisheries are underpinned by an extensive science and data collection enterprise. State and federal agencies conduct and coordinate fishery independent surveys that support regional ecosystem and resource assessments and provide valuable information for the management of the region's fisheries. The Fisheries Team will work with state and federal agencies to develop a list of resource surveys, establish communication channels to share Project information, and coordinate offshore Project activities with ecosystem and research surveys. The Fisheries Team will also engage with academic and private researchers who may conduct research or monitoring activities in the Project Area.

Initial conversations with NMFS SEFSC have identified five ongoing or recently completed surveys that occur within or near the Lease Area:

- Gulf Fishery Independent Survey of Habitat and Ecosystem Resources (GFISHER) Reef Fish Survey,
- The Southeast Area Monitoring and Assessment Program (SEAMAP) Spring and Fall Plankton Surveys,
- The Southeast Area Monitoring and Assessment Program (SEAMAP) Summer and Fall Trawl Surveys,
- Gulf of Mexico Marine Assessment Program for Protected Species (GoMMAPPS), and
- Southeast Shark and Red Snapper Bottom Longline Survey.

In addition to avoiding and mitigating potential disruptions to ongoing survey and research activities, the Fisheries Team seeks to develop collaborative partnerships with science and research entities to contribute to a body of knowledge that supports positive outcomes for fisheries, marine ecosystems and offshore wind development goals. This may include establishing research partnerships, developing forward-looking and adaptive monitoring strategies for fisheries and marine environments, and identifying opportunities for data sharing and integration. The Fisheries Team is also eager to

understand regional research needs and priorities and identify collaborative opportunities to address data gaps and advance regional priorities.

4.2.1 Information and Data Sharing

A substantial amount of data and information will be generated during site characterization and assessment activities, pre- and post- construction monitoring, and the collaborative research efforts described above. The Project is committed to knowledge sharing and will explore opportunities to share data with the fishing community and associated constituents to the extent practicable at the appropriate point in the process. Activities to support knowledge and data sharing may include assessing opportunities for integrating Project data into ecosystem and resource assessments and developing data sharing and confidentiality policies for data collection activities that are funded by the Project.

4.3 Collaborative Opportunities with Fishing Communities

In keeping with RWE's core principles (Section 1.1), a major focus of this Plan is to facilitate collaboration with the fishing community. The Fisheries Team will work with commercial and recreational fishing communities to develop safety and training initiatives and identify opportunities to integrate fishing communities into various aspects of the Project. We anticipate there will be limited opportunities during the initial phases of the Project. As more initiatives and opportunities are developed in later Project phases, the Fisheries Team will consult with the fishing community to develop a fair and equitable process for distributing these opportunities among qualified parties. Collaborative opportunities may include:

- Engage local fishermen to serve as OFLs and scout vessels during survey operations and as guard vessels during Project construction.
- Work with the fishing community, harbor districts and USCG to articulate safety concerns and develop effective communication protocols for coordinating offshore activities.
- Develop tools and approaches that provide fishermen with access to up-to-date Project information and allow fishermen to provide real-time information on fishing operations.
- Provide opportunities for commercial and charter fishing vessels to participate in pre- and post- construction surveys (e.g., resource, mapping, benthic surveys).
- Collaborate on the development of science and monitoring programs that meet the needs of fishing communities and strengthen regional fisheries science.

- Develop collaborative research projects that support fishery interests and improve the compatibility of fishing gear and offshore wind (e.g., gear adaptations, data collection from commercial and recreational vessel platforms).

4.4 Coordination across Lease Areas and Constituent Groups

The Fisheries Team recognizes the substantial time and resources required for fishing communities, state and federal agencies, scientific and research organizations, and other ocean users to engage and collaborate with offshore wind developers. To promote efficient engagement, the Fisheries Team is committed to streamlining communication and engagement across internal RWE Project teams to minimize duplication for constituent groups with multiple interests (e.g., state and federal agencies with fisheries jurisdiction, fisheries engagement relevant to Tribes/Tribal Nations).

While RWE is currently the only offshore wind leaseholder in the Gulf of Mexico, future leasing activities may result in other active leases in the region. The Fisheries Team will proactively work with other leaseholders, if applicable, to streamline engagement activities. Potential coordination opportunities may include:

- Align stakeholder engagement efforts with other leaseholders, as appropriate, to reduce duplication (e.g., curating local knowledge, identifying communication preferences, hosting joint stakeholder meetings and topic focused workshops).
- Establish coordinated and consolidated communication channels for distributing information on Project activities (e.g., consolidated dashboard or application for tracking activities across lease areas).
- Engage with other developers and the fishing community to develop consistent and coordinated mechanisms for dispute resolution and compensation for lost or damaged fishing gear.
- Collaborate with other leaseholders, as appropriate, on the establishment of a regional fisheries mitigation fund to mitigate impacts from multiple lease areas with the Gulf of Mexico.
- Participate in the American Clean Power Fisheries Subcommittee to facilitate coordination between leaseholders on fisheries topics.
- Collaborate with other leaseholders to develop consistent monitoring protocols to the extent practicable, that are informed by the needs of fisheries communities, and state and federal resource managers.

5.0 Project Development and Conflict Reduction

The development and operation of offshore wind projects involves several discrete yet overlapping project phases that occur over the course of several decades. The design and development process for these projects includes ongoing opportunities for stakeholder consultation, as well as significant data collection, environmental analysis and regulatory review. This section contains a description of the activities to be conducted at each project phase, as well as an overview of the communication and collaboration that will be undertaken to reduce conflicts with the fishing community. Figure 2 provides a high-level summary of the different project phases and an approximate timeline. This Plan has been developed prior to the site assessment phase and therefore focuses on the communication and coordination that will occur during this phase (Section 5.1). Additional details on the communication strategies for subsequent project phases will be updated, as necessary, in future iterations of this Plan.

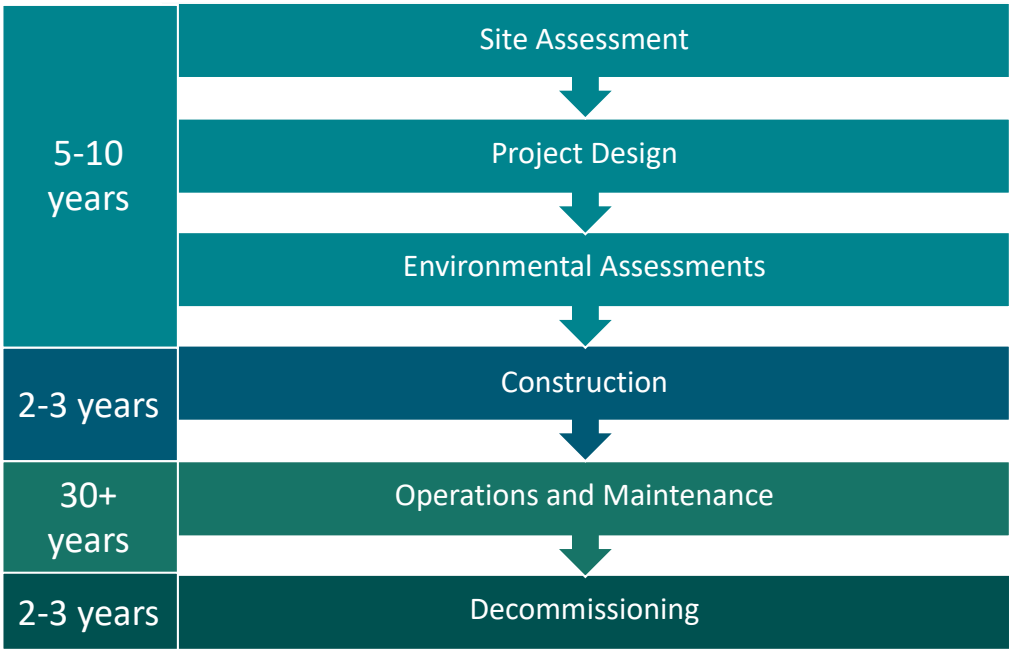

Figure 2: Offshore Wind Project Phases and Timeline

5.1 Site Assessment and Characterization

During the site assessment and characterization phase, RWE will develop survey plans that describe the surveys that will be conducted to assess the physical, biological, and resource conditions of the Lease Area and potential offshore export cable corridors. As

required by the Lease, RWE will submit survey plans to BOEM at least 90 days before survey activities are planned to commence.

Site assessment activities may include high-resolution geophysical, geotechnical, and benthic activities, such as:

- depth sounding with multi-beam echo sounders to determine bathymetry,
- seafloor imaging with sidescan sonar,
- sub-bottom profilers to determine stratigraphy below the seabed,
- magnetometers to map ferrous returns,
- installation of metocean buoys,
- collection of sediment cores, and
- collection of benthic sediment samples to aid in habitat characterization.

RWE may also conduct resource surveys to collect biological information on marine species such as marine mammals, birds, and fish. To collect the requisite data, multiple investigation campaigns may be performed over a period of several years in the Lease Area and potential offshore export cable corridors. Survey activities would involve multiple vessels depending on the type of data being collected, sensor type used, location, and water depth. As site-specific data are collected and analyzed, RWE will begin to define Project design parameters, including potential turbine technologies and configurations, and possible offshore export cable corridors and landfall locations.

5.1.1 Fisheries Characterization and Survey Planning

Prior to initiating site assessment activities, RWE's Fisheries Team will work with commercial, recreational, and Tribal fishing communities to develop a detailed understanding of the seasonality and operations of fishing activity so that impacts from survey activities can be avoided or minimized to the extent practicable. This will include identifying peak fishing seasons to inform the scheduling of survey activity and avoid unnecessary offshore interaction between survey and fishing vessels. The Fisheries Team will also work with state and federal agencies, academic institutions and other research groups to curate a list of resource survey and research activities that occur in and around the Lease Area. Working with fishery and research constituents, the Fisheries Team will establish communication channels for sharing Project information and coordinating site assessment activities to minimize potential impacts and disruptions. This coordination process will aim to build on existing communication networks and coordination mechanisms (e.g., established transit corridors).

5.1.2 Risk Assessment and Pre-survey Communication

Pre-survey Risk Assessment

Prior to the start of any survey campaign, a pre-survey risk assessment will be conducted to identify the potential for spatial and temporal overlap between fishing activities, research or resource surveys, and other maritime activities (e.g., offshore oil and gas). These pre-survey risk assessments will be conducted in collaboration with the fishing community and will inform communication approaches as well as specific measures to avoid, minimize, and mitigate potential risks.

Pre-survey Communications

The Fisheries Team will take a multi-faceted communication approach to achieve broad awareness of the timing, location, and duration of survey activities, with more frequent and detailed communication with fishery participants and other ocean users operating in or transiting the areas where survey activities are occurring. The Fisheries Team will approach each survey campaign as an opportunity solicit feedback from fishing communities to improve this framework.

For all survey activity, the Fisheries Team will develop local survey notices for distribution to fishery participants, fishing communities and other maritime constituents. Notices will include a description of the planned activity, pictures of the vessel(s) and equipment to be deployed, nautical charts showing the potential location of vessel activity, and contact information for the Fisheries Liaison, survey vessel(s) and other relevant points of contact. These local survey notices will be published on RWE's website and social media channels, and distributed across the Project's fisheries communication network, including local and regional fishery participants, fishing associations, state and federal agencies, and harbor districts. Notices will also be sent via email and SMS text alert to those who elect to receive such notifications. In addition to these specific local notices, the Fisheries Liaison will coordinate with USCG to issue a Local Notice to Mariners for each survey campaign. All notices will be distributed as early as practicable but no later than two weeks in advance of any scheduled survey activity.

The Fisheries Team will work with the fishing community to identify additional communication strategies to ensure clear and efficient communication and promote safe offshore activities. These may include hosting pre-survey meetings or webinars, distributing flyers and paper notices at key locations, establishing a hotline or mobile application with up-to date survey information, and in-person opportunities for fishery participants to meet with the Fisheries Liaison and members of the survey team before the start of a survey campaign.

5.1.3 During Survey Communication

RWE's Fisheries Liaison will serve as the primary point of contact for fishery participants and the Project's site investigation team to identify and resolve any issues that arise during survey operations. The Fisheries Liaison will maintain regular communications with survey vessels and the survey team to facilitate coordination with fisheries. This will include working with fishery representatives to maintain up to date information on fisheries operating in or transiting through the survey area and providing updated information to the survey team.

Survey vessels will monitor VHF channel 16 during survey operations and communicate with fishing vessels in the area on a bridge-to-bridge basis. Depending on the specific survey activity and the potential for fishing gear interactions, scout vessels and/or OFLs may be utilized to support real-time coordination. RWE intends to contract with local fishermen and others in the community to serve as scout vessels and OFLs whenever possible.

5.1.4 Gear Loss or Damage Resulting from Survey Activity

While the Fisheries Team will work proactively to avoid and minimize fishery impacts prior to each survey campaign, RWE has established a gear loss claim procedure for loss or damage to fishing gear due to the Project's survey activities. This procedure supports compensation for repair or replacement of damaged gear, as well as compensation for lost fishing income associated with the gear loss or damage. A step-by-step description of this procedure along with associated forms are included in Appendix B and will be available on RWE's website prior to initiating survey activity.

The gear loss claim procedure is designed to provide for the fair, efficient and timely consideration of claims, and reflects feedback and improvements based on RWE's experience on the U.S. East and West Coasts. RWE has also established a parallel process for vessels contracted by RWE to report gear interactions, which provide an additional avenue for documentation and supports an expedited claims process. The gear loss claims procedure can be updated over time in response to feedback and adjusted as the Project advances to construction and operation phases. As required in the Lease, RWE will maintain a gear loss claims procedure for the duration of the Project's lifecycle and provide BOEM with an annual summary of claims.

5.2 Project Design and Development of Construction and Operations Plans

Based on information obtained through site assessment activities, and collaborative dialogue with fishing communities, federal and state agencies, Tribes/Tribal Nations and other constituents, RWE will develop a Construction and Operations Plan (COP) for the Project. The COP will include a description of all planned facilities, as well as a description of proposed construction activities, commercial operations, and conceptual

decommissioning plans. The COP will summarize results of the biological, geotechnical, socioeconomic, and cultural resources studies from the site assessment and characterization phase; provide an assessment of the Project's potential impacts; and include RWE's proposed measures for avoiding, minimizing, reducing, eliminating, mitigating, and monitoring impacts. The COP will be subject to regulatory review and provide additional opportunities for public review and input (see Section 5.3).

RWE intends to design a Project that supports the safe coexistence of offshore wind and fisheries and anticipates that commercial and recreational fishing will be allowed within the Project area, following a temporary safety exclusion zone during construction activities. USCG is responsible for determining access and navigation within offshore wind farms. To date, USCG has allowed fishery access around fixed-bottom turbines constructed off the US. East Coast. During the design phase, the Fisheries Team will work with the fishing community to develop specific protocols for fishing and anchoring within the Project area, in response to USCG determinations.

5.2.1 Spatial Footprint, Displacement and Obstacles

During the project design phase, RWE will engage with potentially impacted fishing communities to discuss potential conflicts between fishing operations and facility design, and develop strategies to avoid, minimize and mitigate impacts. As required in the Lease, RWE will design the Project in a way that, to the extent practicable, minimizes the spatial footprint of offshore infrastructure, avoids the creation of obstacles and entanglement hazards, and utilizes anchoring patterns that minimize the area where fishing effort is displaced. To achieve this, the Fisheries Team will work collaboratively with fishing communities, state and federal agencies, Tribes/Tribal Nations, and other constituents to understand their needs and concerns, and utilize this information to inform the design of the Project. Similar to the site assessment and characterization phase, the Fisheries Team will also work with fishing communities to ensure that, to the extent practicable, construction activities are compatible with seasonal fishing operations.

5.3 Environmental Assessments and Technical Reports

Once the Project COP is submitted to BOEM, BOEM will conduct its environmental and technical reviews of the Project, including analysis and public comment through the National Environmental Policy Act (NEPA) process. At the conclusion of the approximately two-year NEPA process, BOEM will decide whether to approve, approve with modifications, or disapprove the COP. During this phase, RWE will also develop and submit application packages in support of the necessary state and federal agency authorizations and permit approvals, which may involve additional environmental reviews and public comment opportunities.

5.3.1 Fisheries Compensatory Mitigation Fund

During the auction process for Lease Area OCS-G 37334, RWE elected and was awarded a bidding credit to establish a Fisheries Compensatory Mitigation Fund (Fund). Pursuant to the Lease, RWE has committed ten percent of the winning cash bid ($430,769 USD) to provide compensation for commercial and for-hire recreational fisheries in the Gulf of Mexico for potential adverse impacts resulting from offshore wind development (Addendum C, Section 9). The Fund will cover potential impacts resulting from each stage of development and will include compensation for gear loss or damage, as well as loss of fishing income resulting from development of the Project area. As specified in the Lease, the Fund's first priority is compensation for gear loss or damage and income loss claims incurred as a result of Project development. If the money contributed to the Fund exceeds the amount that is deemed necessary to cover the above priorities, excess funds may be used to support other activities that promote the coexistence of offshore wind and fisheries. Potential activities could include supporting participation by fishing communities in the Project development process and offsetting the cost of gear and navigational aid upgrades. The Lease also outlines administrative and governance requirements for the Fund, including stipulations for independent, third-party management, fiduciary governance, strong internal controls and public reporting on disbursements and administrative costs.

RWE is required to establish and make the financial contribution to the Fund prior to the five-year anniversary of the Lease (November 1, 2028) or prior to submitting the Project's first Facility Design Report (FDR), whichever is sooner. The first FDR will be submitted after the Project's COP is approved by BOEM and the required permits have been issued, but prior to the start of construction activities. To address potential impacts to Gulf of Mexico fisheries during the site assessment Project phase, which will occur prior to the establishment of the Fund, RWE has established a gear loss claims procedure to compensate fishery participants for loss or damage to fishing gear and associated loss of income (Section 5.1.4, Appendix B).

5.4 Construction

During this phase, RWE will construct the proposed offshore wind Project within the Lease Area, pursuant to the approved COP and the requirements and conditions stipulated in associated permits. The construction phase will be the most active project phase with increased vessel activity in the Lease Area and along offshore export cable corridors. RWE will continue to improve and adapt communication strategies throughout the construction phase to ensure that fishing communities are provided with timely information about Project activities. The Fisheries Team will proactively engage with fishery constituents to coordinate vessel traffic, ensure that construction activities are conducted safely, and identify strategies to minimize fishery impacts.

5.5 Operations and Maintenance

As specified in the Lease, the initial operations term for the Project is 33 years. During this phase, RWE will operate the Project and conduct maintenance activities within the Lease Area and offshore export cable corridors. Throughout the operations and maintenance phase, RWE will continue ensuring that fishing communities are engaged and informed of project activities and will continue to refine communication strategies and coordinate activities to avoid and minimize impacts.

5.6 Decommissioning

In preparation for the end of the Project's life, RWE will submit a decommissioning application and plan to BSEE and other applicable agencies for review and approval. Once Project operations have ceased, RWE will decommission the Project in accordance with the plan. RWE will maintain active communication and coordination with the fishing community throughout the decommissioning phase.

The decommissioning plan will be developed through consultation with the fishing community, and in response to regulations and best practices set forth by BSEE. RWE acknowledges the value of offshore structure to fish stocks and fisheries and is open to exploring the potential of repurposing offshore wind infrastructure as artificial reef habitat, if such strategies are approved by BSEE.

6.0 Conflict Prevention and Resolution

RWE subscribes to an avoid-minimize-mitigate philosophy for addressing conflicts with the fishing community, with an emphasis on building relationships and early and ongoing dialogue. By understanding the needs of fishing communities and integrating local knowledge into the Project design, the Fisheries Team aims to prevent fishery conflicts to the greatest extent practicable. Utilizing the strategies outlined in this Plan, the Fisheries Team will work with fishery participants and fishing communities to identify solutions for avoiding impacts and utilize a bottom-up process for minimizing and mitigating impacts that cannot be avoided. Approaches for preventing and addressing conflicts may include:

- Engage with fishing communities to develop a deep understanding of seasonal and geographic fisheries operations so they can be considered in the scheduling of site assessment and construction activities.
- Provide proactive and extensive opportunities for discussions with fishing communities to identify and reduce potential conflicts with facility design and marine vessel operations.

- Work across internal Project teams to integrate fishery considerations into the initial Project design to avoid and/or minimize fishery impacts.
- Identify opportunities to support and enhance the fishing community's capacity to effectively engage in dialogue and collaboration with offshore wind developers.
- Consider the potential impacts of offshore wind energy development at a regional scale and coordinate with fishing communities and adjacent developers, as applicable, to identify options for avoiding or reducing cumulative impacts on fishing activities.
- Participate, and encourage participation by fishing communities, in working groups and other local, state, regional or national efforts to align fishing and offshore wind interests.

Recognizing that it may not be possible to avoid or minimize all conflicts, this Plan proposes two pathways for reporting and remediating conflicts. The first is a process described in section 5.1.4 and Appendix B for reporting and seeking compensation for lost or damaged fishing gear resulting from Project activities. The second is a stepwise approach for addressing complaints, disagreements and disputes between members of the fishing community and the Project. Members of the fishing community can contact the Fisheries Liaison or members of the RWE Fisheries Team to share their concerns and suggestions for resolution.

- The Fisheries Team will work directly with individuals to discuss their concerns and address differences as efficiently as possible.
- If disputes are unable to be resolved through initial conversations, the Fisheries Team and/or fishery participants may consult with external groups (e.g., regulatory agencies, industry associations) to obtain additional information and assistance.
- The final step in the dispute resolution process may include enlisting a professional facilitator to guide discussions and assist in the identification of potential solutions or resolutions.

The intent of these strategies and processes are to provide members of the fishing community with multiple options for sharing concerns, notifying the Fisheries Team of potential conflicts and addressing impacts and disagreements. As required in the Lease, RWE will provide BOEM with an annual summary of complaints and claims that have been filed, and their resolution. RWE is committed to successful, long-term coexistence with the fishing community and will work proactively and respectfully to identify and work through any potential conflicts.

7.0 Progress Reports and Plan Updates

7.1 Communication Tracking and Reporting

To support thoughtful and coordinated engagement, the Fisheries Team will track communication and engagement activities with fishery constituents. This tracking will facilitate the structured uptake of information, input and ideas to inform the Project's development and design and will also assist in the preparation of progress reports, which are required by the Lease. Pursuant to the present Lease requirements, the first progress report for this Project will be due June 1, 2025, with subsequent progress reports due every six months throughout the site assessment phase and the COP approval process. While progress reports will summarize engagement and communication with the fishing community, specific input and information will not be attributed to specific individuals or organizations. Progress reports will be publicly available on the Company's website.

These progress reports will provide a mechanism for highlighting the feedback and concerns expressed by the fishing industry, and communicating how that information has been considered and, if practicable, addressed. In addition to progress reports, the Fisheries Team will work with the fishing community to develop additional feedback loops to ensure effective two-way communication. Strategies may include direct communication with individuals to follow up on specific ideas and suggestions; presentations to fishing communities, industry associations, and management bodies to review input received and discuss potential responses; and the development or modification of new communication tools and engagement strategies. Progress reports will also provide a feedback loop to facilitate continual improvements to this Plan (see Section 7.2).

7.2 Plan Review and Updates

The initial version of this Plan will be made available to commercial, recreational and Tribal fishing communities, fishing associations and agencies and entities involved in fisheries science and management processes. To be an effective vehicle for communication and collaboration with the fishing community, this Plan will evolve over time in response to the needs of the fishing community and the progression of the Project through different development and operational phases. The Fisheries Team welcomes feedback and ideas for how to improve engagement with the fishing community, and ensure engagement is comprehensive and equitable. Feedback can be provided at any time by contacting Ricky Alexander, RWE's Fisheries Liaison (Ricky.Alexander@rwe.com, 312-504-9085). Particularly as the methods and strategies articulated in this Plan are put into action, the Fisheries Team will solicit feedback from the fishing community regarding the accessibility of information, the efficiency of

communication methods, and the timing and cadence of information sharing and engagement.

RWE will update this Plan on a periodic basis in response to experience and feedback. The current version of this Plan, along with all subsequent revisions, will be available on RWE's website: https://americas.rwe.com/our-energy/offshore-wind/.

7.2.1 Near-term Benchmarks

To support near-term implementation and adaptation, the Fisheries Team has identified the following benchmarks to track progress and assess the efficacy of the Plan:

- Curate a list of fishery constituents who have in interest in the Project, and who wish to receive direct communications from the Fisheries Team.
- Develop a Project webpage containing information pertinent to fishing communities including a list of frequently asked questions.
- Identify additional fishery roles (e.g., Fishery Representatives and Fishery Technical Advisors) to support the implementation and evolution of this Plan, at the appropriate point in the development process.
- Establish a schedule for providing regular Project updates to state and federal fisheries management agencies and entitles, and key industry associations.
- Maintain a feedback log to capture feedback from the fishing community on the clarity and accessibility of information, the efficiency of communication methods, and the cadence of information sharing and engagement.
- Review communication protocols for site assessment activities with fishery representatives prior to initiating survey activity and make any necessary improvements and updates to ensure offshore survey activity is safely and efficiently coordinated with the fishing community.

7.2.2 Metrics and Indicators

Through further development of the Plan, the Fisheries Team will collaborate with the fishing community to gather input on quantitative and qualitative metrics and indicators. The Fisheries Team anticipates that metrics and indicators will be most effective when developed at the outset of each specific project phase. Once established, these will be incorporated into the Plan and progress may be evaluated and communicated through the semi-annual progress reports. Indicators and metrics that may be considered for the initial site assessment phase include the number of conversations and meetings with fishing communities, the number of project updates provided to state and federal agencies and entities, and the percentage of survey notices that were distributed at least two weeks in advance of survey activities (Section 5.1.2).

Appendix A
Best Practices and Ongoing Efforts

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There are several regional and national efforts underway related to offshore wind development and productive engagement with fishing communities. RWE seeks to actively engage in these efforts, where appropriate, and to support the continued development and evolution of best practices to achieve successful, sustained shared use between offshore wind and fisheries. This plan will be updated over time to reflect new information, guidance and best practices. Efforts currently underway include but are not limited to:

- Gulf Louisiana Offshore Wind (GLOW) Propeller: Led by Louisiana State University, the GLOW Propeller consortium was designated as a Tech Hub by the U.S. Economic Development Administration in 2023. GLOW Propeller will support workforce and technology development for offshore wind energy production in Louisiana.[17]
- National Academies of Sciences Engineering and Medicine Standing Committee on Offshore Wind Energy and Fisheries: This Committee will provide ongoing assistance and advice to BOEM regarding the development of offshore wind energy and potential effects on fisheries.[18]
- American Clean Power Fisheries Subcommittee: The American Clean Power Association is an industry trade association for companies involved in the renewable energy sector. The Association's Fisheries Subcommittee supports innovation and advancement in fisheries engagement, impact identification and minimization, and environmental monitoring approaches.
- California Coastal Commission "Section 7c" Fisheries Working Group: Led by the California Coastal Commission, this working group is charged with developing a statewide strategy for avoiding, minimizing, and mitigating impacts to fisheries. Working group members include commercial and recreational fishing organizations and representatives, lessees, and state and federal agency staff. While the working group is focused on offshore wind development in federal waters off the coast of California, outcomes from this work may provide strategies, methodologies and best practices relevant to the Gulf of Mexico (e.g., communication protocols, methodologies for analyzing impacts, survey and data collection frameworks).[19]

Guidance and best practice resources considered in the development of this Plan include but are not limited to:

- BOEM Decision Memorandum, Gulf of Mexico Final Sale Notice.[20]

[17] https://www.lsu.edu/mediacenter/news/2023/10/23_lsu_glow.php
[18] https://www.nationalacademies.org/our-work/standing-committee-on-offshore-wind-energy-and-fisheries
[19] https://documents.coastal.ca.gov/assets/upcoming-projects/offshore-wind/Th8a-4-2022%20adopted%20findings.pdf
[20] https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/PACW-1%20California%20FSN%20Decision%20Memo.pdf

- BOEM Area Identification Decision Memorandum, Gulf of Mexico Final Wind Energy Areas.[21]
- Development of Mitigation Measures to Address Potential Use Conflicts between Commercial Wind Energy Lessees/Grantees and Commercial Fishermen on the Atlantic OCS. OCS Study BOEM 2014-654.[22]
- The United Kingdom's Fishing Liaison with Offshore Wind and Wet Renewables Group (FLOWW) Best Practice Guidance for Offshore Renewables Developments: Recommendations for Fisheries Liaison. January 2014.[23]
- Guiding Principles for Offshore Wind Stakeholder Engagement (v1 10/21). New York State Energy Research and Development Authority (NYSERDA).[24]
- Guidelines for Providing Information on Fisheries Social and Economic Conditions for Renewable Energy Development on the Atlantic Outer Continental Shelf. BOEM. 2020.[25]
- Information Guidelines for a Renewable Energy COP, Attachment A. Version 4.0. BOEM. 2020.[26]
- Central California Joint Fisheries/Cable Liaison Committee Final Agreement Between Cable Companies and Fishermen as Amended (v. 140519).[27]
- Oregon Fishermen's Cable Committee Procedures (v. 2.6.17).[28]
- International Cable Protection Committee Government Best Practices for Protecting and Promoting Submarine Telecommunications Cables (v. 1.1).[29]
- Maine Offshore Wind Roadmap. Maine Offshore Wind Roadmap Advisory Committee. February 2023.[30]

[21] https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/4683-Memorandum-for-Area-ID-GOM.pdf
[22] https://www.boem.gov/sites/default/files/renewable-energy-program/Fishing-BMP-Final-Report-July-2014.pdf
[23] https://www.thecrownestate.co.uk/media/1776/floww-best-practice-guidance-disruption-settlements-and-community-funds.pdf
[24] https://www.nyserda.ny.gov/-/media/Project/Nyserda/Files/Programs/Offshore-Wind/LSR-OSW-engageguide.pdf
[25] https://www.boem.gov/sites/default/files/documents/about-boem/Social%20%26amp%3B%20Econ%20Fishing%20Guidelines.pdf
[26] https://www.boem.gov/sites/default/files/documents/about-boem/COP%20Guidelines.pdf
[27] http://www.cencalcablefishery.com/uploads/2/2/6/5/22655546/140519_final_agreement_as_amended.pdf
[28] http://www.ofcc.com/Procedures2.6.17.pdf
[29] https://www.iscpc.org/documents/?id=3733
[30] https://www.maine.gov/energy/sites/maine.gov.energy/files/inline-files/Maine_Offshore_Wind_Roadmap_February_2023.pdf

- BOEM Request for Information: Guidance for Mitigating Impacts to Commercial and Recreational Fisheries from Offshore Wind Energy Development. Nov. 22, 2021.[31]
- BOEM Draft Guidelines for Mitigating Impacts to Commercial and Recreational Fisheries on the Outer Continental Shelf. June 22, 2022.[32]
- NMFS and BOEM Federal Survey Mitigation Implementation Strategy – Northeast U.S. Region. December 2022.[33]
- BOEM Guidelines for Providing Information on Fisheries for Renewable Energy Development on the Atlantic Outer Continental Shelf Pursuant to 30 CFR Part 585. March 27, 2023.[34]
- Responsible Offshore Science Alliance Offshore Wind Project Monitoring Framework and Guidelines. March 2021.[35]
- Identifying Information Needs and Approaches to Assessing Potential Impacts of Offshore Wind Farm Development in the Northeast Region. BOEM. 2015.[36]
- Options for Cooperation Between Commercial Fishing and Offshore Wind Energy Industries: A Review of Relevant Tools and Best Practices. SeaPlan. 2014.[37]
- Mid-Atlantic Fishery Management Council Best Management Practices Workshop. 2014.[38]
- New York State Offshore Wind Master Plan. NYSERDA. 2018.[39]

[31] https://www.boem.gov/renewable-energy/boem-2021-0083-0001
[32] https://www.boem.gov/renewable-energy/draft-fisheries-mitigation-guidance
[33] https://repository.library.noaa.gov/view/noaa/47925
[34] https://www.boem.gov/sites/default/files/documents/about-boem/Fishery-Survey-Guidelines.pdf
[35] https://www.rosascience.org/wp-content/uploads/2022/09/ROSA-Offshore-Wind-Project-Montioring-Framework-and-Guidelines.pdf
[36] https://www.boem.gov/sites/default/files/environmental-stewardship/Environmental-Studies/Renewable-Energy/OCS-Study-BOEM-2015-037.pdf
[37] https://osf.io/preprints/marxiv/sfu9e/
[38] https://www.mafmc.org/s/MAFMC_Offshore-Wind-Workshop_Final-Report-4nan.pdf
[39] https://www.nyserda.ny.gov/-/media/Project/Nyserda/Files/Publications/Research/Biomass-Solar-Wind/Master-Plan/Offshore-Wind-Master-Plan.pdf

Appendix B
Claim Process for Loss or Damage to Fishing Gear Resulting from Survey Activity

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Claim Filing Process

RWE Offshore US Gulf, LLC (RWE or Company) has established the following process for persons seeking compensation for loss or damage to fishing gear as the result of the Company's offshore survey activities (e.g., survey activity within the Lease Area or potential export cable corridors). Below is an overview of the claim process, along with the forms to be completed. These instructions and all associated forms will be available on RWE's website prior to the start of any offshore survey activity. If an Applicant has questions about this process or feels there are special circumstances relating to their claim, please contact RWE's Fisheries Liaison.

This claim filing process is designed specifically for fishing gear interactions that occur during the site assessment phase of this project. This process is intended to provide a fair, efficient, and timely process for addressing lost or damaged gear. The gear loss claims process will be reviewed and updated as appropriate in consultation with the fishing industry in advance of the construction and operations phases of the project.

STEP 1: Contact RWE's Fisheries Liaison

If a person experiences gear damage or loss as a result of RWE's offshore survey activities, they should contact RWE's Fisheries Liaison by phone or email immediately or as soon as safely possible to notify them of the gear damage or loss incident. If the Fisheries Liaison is unavailable, please contact RWE's Fisheries Manager. Prompt notification of gear damage or loss is an important first step in an efficient claims process.

Ricky Alexander, Fisheries Liaison	**Deirdre Boelke, Fisheries Manager**
Email: Ricky.Alexander@rwe.com	Email: Deirdre.Boelke@rwe.com
Cell: 312-504-9085	Cell: 978-518-0638

Additionally, if a fishing gear interaction is observed by the captain or crew of a survey vessel contracted to RWE, the Onboard Fisheries Liaison (OFL) or client representative will immediately notify the Fisheries Liaison and report the gear interaction using a Survey Fishing Gear Incident Form. This notification and documentation process for survey vessels is intended to support an expedited claims process in the event of a gear interaction.

STEP 2: Complete claim application form

- Complete Section I of the Gear Loss or Damage Claim Application Form to request compensation for repair or replacement of lost or damaged fishing gear and provide supporting documentation.
- Complete Section II of the application form to select the option for additional compensation for time/lost income directly associated with the gear loss event.
    - Option A is an additional settlement of 50% of the cost of the gear repair or replacement to compensate for time and/or lost income associated with the gear event for approved claims. Option A is an expedited process and does not require additional documentation.
    - Option B allows individuals to submit a specific claim for actual, documented lost fishing net income directly associated with the gear loss or damage event. Option B is a more detailed process and requires additional information and time to review and process the claim.
- Complete Section III, which involves reviewing the terms and conditions associated with filing a claim and signing the application form.

STEP 3: Submit competed application within 30 days of the gear damage or loss incident

- Submit a complete, signed application form along with all supporting documents to RWE's Fisheries Liaison. The competed application and all attachments must be submitted within 30 days of the gear damage or loss incident. Submission via email is preferred; however, submission in-person or by mail can also be accommodated. Refer to the application checklist to ensure the application is complete.

- If it is not feasible for an Applicant to submit their claim within 30 days of the gear damage or loss incident, please contact RWE's Fisheries Liaison. Exemptions to the deadline will be considered on a case-by-case basis. To be granted an extension, an Applicant must demonstrate why filing the claim within 30 days of the incident is or was not feasible.

STEP 4: Review and acceptance or denial of claims

Once received, a claim application will be reviewed by the Fisheries Liaison and members of RWE's Fisheries Team. The Company may consult with additional experts to review gear loss claim applications. All Applicants will be notified of the result of the review, in writing, within 30 days of receipt of an application. Applications involving unique circumstances or complex documentation may require additional time to review.

- If the claim is approved, payment will be provided to the Applicant (via check or electronic deposit via Automated Clearing House (ACH) as soon as possible following the written decision to approve the claim.
- If the claim is denied, a written explanation of the decision will be provided to the Applicant.
- If the claim is approved in part and denied in part, a written explanation of the decision will be provided to the Applicant regarding the portion of the claim denied. (A partial approval could occur if the Company finds valid and approves the gear loss portion of the claim included in Section I, but finds unsubstantiated and denies the lost fishery net income portion the claim included in Section II, Option B.)
- If an application is incomplete RWE may request submission of the missing information or documentation before making a decision and taking one of the actions listed above.

Applicants who disagree with a decision may file a written notice of appeal with RWE. The Company may elect to engage or consult with a third party or external reviewers to review the application on appeal. RWE will review and consider the appeal, including the input from third party review, if any, and provide the Applicant a written decision. The Company may also engage independent experts from the fishing industry to participate in the review. RWE is committed to the timely resolution of appeals and will notify the applicant as soon as the result of the appeal is available. The decision by RWE on appeal will be final and not subject to any further right of appeal within the Company.

In general, an Applicant may not file multiple claims for gear loss in the same area within the same phase of development (e.g., survey activity, construction, operation, decommissioning). Prevention methods should be followed by all parties. Any repeat claims will be considered on a case-by-case basis with the expectation of reasonable prevention methods being followed.

RWE reserves the right to request additional information to support review of a claim.

Gear loss claim example, Option A (expedited option)

A captain has a gear loss incident as a direct result of RWE's offshore activities. The captain files a $2,000 claim for replacement of the lost gear (Section I). The captain includes a $2,000 quote from the local marine supply store for new gear, along with documentation of the time and location of the gear loss. In Section II of the claim form, the captain selects Option A for additional compensation for time and/or lost revenue associated with the gear event. Option A automatically allows compensation equal to 50% of the gear repair or replacement cost for approved claims, or $1,000 in this example. The captain signs Section III and submits the form and supporting documentation. After RWE's review, the claim is verified and approved, and the captain is compensated $3,000 for the gear loss event.

Cost of replacing lost gear	$2,000
Additional 50% compensation (Option A for time/lost income)	$1,000
Total amount for approved claim	$3,000

Gear Loss or Damage Claim Application Form

I. Application for Gear Repair or Replacement

Date of application: _____

Name of Applicant: _____

Entity type (LLC, corporation, individual proprietor):_____

Address: _____

Email: _____

Phone: _____

Vessel name: _____

Home port: _____

Vessel documentation number: _____

Federal fishing permit number: _____

State fisheries landing permit: _____

Gear type: _____
_____
_____

Description of incident causing gear damage or loss, and extent of the gear damage or loss, believed attributable to offshore operations associated with the project:
_____
_____
_____
_____
_____

Date of gear loss incident (specify actual/observed or estimated): _____
_____

Time of day and weather conditions during time of loss (if known): _____
_____
_____

Location of gear damage or loss (lat/lon, specify format): _____
_____

Spatial record of gear damage location (chart plotter, logbook, other—specify, and please provide image or copy): _____
_____

Gear description and markings: _____
_____
_____

Description of offshore wind vessels and any other vessels in area of gear damage/loss (specify source— observation, AIS, etc.): _____
_____
_____

When was gear last set or hauled: _____

Was any gear retrieved, how much, and condition: _____
_____
_____

How much gear (pots, traps, high flyers, etc.) was damaged or lost in this specific incident?
_____
_____
_____

Claim amount requested for damaged or lost gear, including the cost of gear tag replacement, if applicable. (This section of the claim form is limited to the direct cost of gear repair or replacement.): _____
_____

See Application Checklist for required documentation.

II. Additional claim for lost fishery income

In addition to the claim for the cost of replacing or repairing lost or damaged gear (Section I, above), this claims process allows Applicants to submit a claim for lost fishery income associated with the gear loss/damage event. There are two options for the lost fishery income portion of the claim. Please check the box of the desired option and follow the respective instructions. Select only one option.

☐ Option A – Additional compensatory settlement of 50% of the cost of the gear repair or replacement to compensate for time and/or lost income associated with the gear loss or damage event. This option is a streamlined, abbreviated claims process and does not require additional documentation. If Option A is selected, please proceed to Section III.

☐ Option B – A specific compensatory settlement request for lost fishery net income associated with the gear loss or damage event. Option B is a detailed process for substantiating the respective claim and requires the additional information and documentation outlined below.

Additional documentation required for Option B only

If an Applicant selects Option B to claim lost fishing net income the following documentation is required. *If an Applicant selects Option A this section does not need to be completed and no additional documentation is required to support this section of the claim.*

Date of gear damage/loss: _____

Date of gear repair/replacement (or planned repair/replacement): _____

Amount of claim for lost fishing net income directly associated with this gear loss or damage event: _____
_____

Description of lost fishing net income directly associated with this gear loss or damage event:
_____
_____
_____

Description and documentation of fish landing history, sales records, and operating expenses for either: a) the 30-day period prior to gear damage/loss and for the period associated with the claimed loss, or b) a comparable 30-day period in the prior year, if applicable, and vessel trip report (VTR) records or state landing records if fishery is not subject to VTR requirements. *(If an Applicant feels these methods do not accurately represent lost net fishing income, please contact RWE's Fisheries Liaison to discuss alternative reference points.)*
_____
_____
_____
_____

III. Application terms and conditions and Applicant signature

By submitting this Form, Applicant authorizes RWE to make whatever reasonable inquiries and investigations it deems necessary to verify this application and request for compensation.

Applicant understands that submitting this Application does not guarantee payment or payment in full. Applicant further acknowledges and agrees that if this claim is accepted and paid in its entirety, that acceptance of such payment constitutes full, final, and complete payment for this particular claim and a full final and complete resolution and release of all claims related to the underlying incident that Applicant has or may have against the Company, its employees, shareholders, and affiliates, and their respective employees, and that neither the Company nor any of its affiliates, employees, or shareholders shall have any further outstanding or ongoing obligation with respect to this specific 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 the Company or its affiliates, employees, or shareholders based upon the incident giving rise to this specific claim.

If a claim is denied in part, Applicant may accept payment for the undisputed part, subject the same terms and conditions specified in the paragraph above, without waiving Applicant's right to appeal the disputed part of the claim. By accepting such undisputed portion of the claim, Applicant accepts that this claim process (including any appeal of the disputed portion of the claim) constitutes the full, final and complete resolution of all claims related to the underlying incident. Applicant recognizes that submission of this Application does not affect Applicant's rights concerning matters arising out of incidents other than those specifically identified in this specific Application.

I attest that I am signing and filing this Application in my individual capacity as the applicant or that I am legally authorized to sign on behalf of the Applicant, and, under penalty of perjury, that to the best of my knowledge no other Application has been filed claiming the same loss or damage and the information in this Application is true and correct.

Signature _____ Date _____

Application Checklist

The following documentation and forms are required for claims to be processed:

- Completed and signed application.
- Completed and signed Form W-9 (https://www.irs.gov/pub/irs-pdf/fw9.pdf).
- A detailed invoice for original gear, if available, and either: a) a paid invoice for gear that has already been repaired or replaced; or b) a detailed quote for gear repair or replacement from the supplier. Approved claims will be based on gear replacement or repair costs, if provided.
- Image or copy of documentation (chart plotter, logbook, etc.) of location of gear damage incident.
- Any available photos of undamaged and damaged gear.
- Documentation of gear tag replacement application/receipt, if applicable.
- Documentation to support claims of lost fishing income under Section II, Option B only, if appliable.
- Any additional information Applicant wishes to have considered in support of application.

RWE's Fisheries Liaison is available to answer questions and assist applicants with this process. Please return this form and attachments by delivering an electronic copy to Ricky Alexander, RWE Fisheries Liaison, at Ricky.Alexander@rwe.com.

Please note that the payment cannot be processed without a signature and completed Form W-9. If applications are deemed incomplete, they will be returned to the Applicant within 15 business days to complete the application.