

Appendix D

Elements of the Fisheries Mitigation Plan

As stated in Section 2.2.10 of the RFP, the Proposer must submit as part of its Proposal, a Fisheries Mitigation Plan (“Plan”). The aim is to balance the interests of responsible offshore wind energy development with important commercial and recreational fishery resources and uses that may be present in the Project area. The Plan should detail, to the extent practical, specific measures the Proposer will take to avoid, minimize, and/or mitigate potential impacts of the Project on fish and fisheries. Where specific measures are not known for a specific category of impact at the time of proposing, the Plan must describe how the Proposer will work collaboratively with the State, federal agencies and other stakeholders to define avoidance, minimization, and mitigation measures. The Plan should provide a roadmap for the fisheries work to be included in the Project’s development and operation, and provide a degree of certainty that the Proposer is committed to working collaboratively with stakeholders to develop a cost-effective and environmentally responsible Project.

The fisheries mitigation hierarchy should be an organizing principle of the Fisheries Mitigation Plan. More specifically, the mitigation hierarchy can help Projects prepare for impacts and aim to achieve no net loss of revenue to commercial fishermen. It involves a sequence of actions to anticipate and *avoid* impacts on fish and fisheries; where avoidance is not possible, to *minimize* such impacts; when impacts are predicted to occur notwithstanding the implementation of practical avoidance and *mitigation measures*, to rehabilitate or *restore* fisheries or fishing revenue; and where significant residual impacts are predicted to remain, *offset, which could include fisheries compensation*, such impacts. The Plan must account for potential adverse impacts of all phases and components of a Project, including pre-construction surveys, construction, operation, and, to the extent practical, decommissioning; and including turbines, cables, substations, and, if applicable, collector platforms.

The submitted Fisheries Mitigation Plan is a starting point that will necessarily evolve throughout the development process based on feedback from State and federal regulators, and stakeholders. The submitted Fisheries Mitigation Plan, and its future iterations, do not supplant or alter the federal regulatory process, rather they become the organizing document for State consultations and stakeholder engagement around the proposed project’s development and the associated federal process. While this RFP allows for flexibility to Proposers in devising avoidance, minimization and restoration/offset measures, some specific measures that will be required of all Projects are identified and must be included in the Proposer’s Plan. The Plan may include alternative measures that can be selected and refined based on stakeholder consultation as planning and Project development progresses.

The submitted Plan must be comprised of two components, a Narrative component and a Standardized Component using the provided format. Both the Narrative and Standardized Components will be used in the review and scoring the proposal. However, only the Standardized Component will be appended to the contract of selected proposers.

Fisheries Mitigation Plan - Narrative Component

Required elements of the Narrative Component are set forth below. The Narrative Component should not exceed 20 pages in length and should be submitted as fully searchable PDFs.

D.1 Fisheries Mitigation Plan Summary

The Proposer must briefly present its philosophy and approach to avoiding, minimizing, restoring and offsetting the potential fisheries impacts of the proposed Project and how the Proposer will use research, data and stakeholder feedback to support decision making with respect to pre-construction surveys, site design, construction, operations and decommissioning.

D.2 Communications and Collaboration

The *New York State Offshore Wind Master Plan*, the *New York State Public Service Commission Order Establishing Offshore Wind Standard Framework for Phase 1 Procurement* issued on July 12, 2018, the Order Adopting Modifications to the Clean Energy Standard issued on October 15, 2020 pursuant to Case no. 15-E-0302, and the Order on Power Grid Study Recommendations issued on January 20, 2022 pursuant to Case No. 20-E-0197, and this RFP emphasize the value of stakeholder engagement in the development of offshore wind energy Projects. Further, the Orders require Proposers to work with the State supported Fisheries Technical Working Group (“F-TWG”). The Proposer must describe how it will identify stakeholders relevant to both on shore and offshore fishery issues and describe how the Proposer intends to communicate with those stakeholders during survey work, and design, construction, operation, and decommissioning of the Project. The Proposer must also describe how, specifically, it will communicate with vessels actively fishing in areas in or adjacent to the Project area during site assessment and construction activities and facilitate proper notification to vessels and resource managers. This description of communication protocols must account for the need to coordinate with members of the F-TWG and consultations with New York State agencies during the various Project phases.

D.3 Monitoring and Research Pre-, During- and Post-Construction

Fisheries research and peer-reviewed publication of research findings is key to advancing the knowledge of how offshore wind energy development might affect fish and fisheries. Proposers are encouraged to work with the fishing industry in the collection of data, to publish their own work in scientific journals, and to coordinate with scientists and regulators interested in investigating fishery- and wind energy- related scientific questions.

Because offshore wind energy development is in early stages in the US there is little empirical information as to the effects such development may have on ecological communities and fishery resources specific to the New York Bight. Thoughtfully planned, designed, and implemented pre-, during- and post-construction monitoring and research to understand fish responses and potential effects from development is key for adaptive management. Further, multiple regional sites working together and coordinating monitoring and research in a consistent manner would bring additional value to the scientific understanding of how development of offshore wind energy is affecting regional resources.

The Proposer must (to the extent possible at this stage) describe how it plans to conduct scientifically sound, statistically rigorous studies to accomplish the following:

1. Establish baseline data on the spatial and temporal presence of fish and invertebrates in the proposed area of the Project at multiple life history stages included egg, larval, juvenile, adult, and spawning stages, as well as associated fish and invertebrate habitats;
2. Monitor for impacts on these types of life history stages during each phase of physical work for the Project (site assessment, construction, operation, and decommissioning) to inform mitigation planning for later phases of the Project as well as for future Projects;
3. Assess and quantify (to the extent practical) changes attributable to Project activities; and
4. Determine how the proposed Project area is used by commercial and recreational fisheries in the region, including current and historic usage as well as associated transit routes, and how usages changes in commercial and recreational fishing patterns will be calculated post-construction.

Proposers should also identify opportunities for developing or investing in collaborative research with the fishing industry to collect ecological and/or fishing data. The description must account for the need to coordinate with members of the F-TWG during data gathering and assessment.

Proposers should identify collaborative efforts currently underway or in the planning stages to help highlight means by which the industry plans to standardize scientific methods, surveys, and monitoring plans across the region to enhance data compatibility and utility. Proposers are encouraged to reference resources such as the Responsible Offshore Science Alliance (ROSA) Offshore Wind Project Monitoring and Guidance Document Research and Monitoring [Recommendations](#)^[OBJ]

In the event that these activities cannot be clearly defined at this stage, the Proposer must describe how it will approach these questions and data gaps.

The Proposer must describe how it plans to make fisheries data available in accordance with Section 2.2.8 of the RFP.

D.4 Supporting Other Research

The selected Proposer will be required to coordinate with third-party supported scientists, providing reasonably-requested Project data and access to the Project area for independent scientists examining environmental and fishery sensitivities and/or the impacts of offshore wind energy development on fish, invertebrates, and fisheries for the purpose of publication in peer reviewed journals.

The Proposer must describe how such requests will be considered and processed, and any restrictions on data provision or access the Proposer believes may be required to protect trade secrets or maintain site security.

The Proposer shall identify ways to enhance site accessibility for the advancement of third party scientific and technological study.

The Proposer may also elect to identify a level of financial commitment that will be appropriated to leverage third-party environmental research funding related to fish, invertebrates and fisheries, including federal or State-supported research, or that the Proposer would be willing to contribute to a general fund for supporting third-party research into relevant fish and invertebrate communities and associated commercial and recreational fisheries and the effects of offshore wind energy development. Such financial commitments will be favorably considered in the proposal review process.

D.5 Site Design Considerations

As offshore wind energy technology advances, Proposers are able to consider various alternatives for elements of the proposed site design and related infrastructure. The Proposer must describe how it will consider the potential adverse impacts of infrastructure design elements (e.g., turbine spacing and layout, turbine foundation type, cable burial and protection methods, offshore substation design, and cable crossing designs) on fishing in the proposed Project area.

The Proposer must demonstrate that the Project area and proposed site design allows for reasonable flexibility in the site layout (e.g. orientation of turbine lines, distance between turbines, and navigation areas) to accommodate changes that may be needed in the future. The Proposal must outline how the Proposer will engage with stakeholder groups such as the F-TWG and other regional fishermen and shipping and navigation to determine Project layouts that address stakeholder concerns.

The Proposer must identify in their site design the use of benthic habitat enhancement techniques that are applicable to promote added beneficial ecological improvement while offsetting adverse impacts.

D.6 Construction and Operation

The Proposer must describe its planned operational protocol to avoid, minimize, and mitigate impacts to fish, invertebrates and fisheries during Project construction and operation phases, such as vessel transit routes, designation and monitoring of safety zones, gear monitoring and retrieval, and communication with fishing vessels and resource managers. The Proposer must also describe its process for determining when mitigation strategies are insufficient and under what conditions they might elect to rehabilitate or restore fisheries in an alternative location or when the provision of compensation of some form may be appropriate.

The Proposer must describe how they will minimize potential loss of fishing gear due to snags on turbine structures, associated cables or cable mattresses, or related structures installed or deployed as a result of offshore wind energy development, and how the Proposer will approach claims of lost gear in the event of a snag that provides for a fair and timely review of the claim and appropriate compensation of impacted parties.

D.7 Considerations for Subsea Cables

New York State is developing an *Offshore Wind Cable Corridor Constraints Assessment* (Assessment) to better understand the constraints of siting cables in New York State waters, at landfall, and along overland routes to existing points of interconnection. This Assessment will coordinate the analysis and evaluation of potential cable corridors to support future decision-making and policy development to achieve New York State's goals and mandates and allow for commercial innovation. The potential fish and fisheries impact of activities associated with subsea cable routes should be identified as part of the Fisheries Mitigation Plan.

D.8 Considerations at Eligible Investment Sites

Activities at ports, manufacturing or supply chain facilities in New York State to support these projects, such as an Investment Plan, may have fisheries impacts per the project plan. Existing and permitted supply chain activities as part of the proposed project should be identified per the existing environmental impact statement. If the proposed project intends to add activities at New York State Eligible Investment Sites, these potential impacts should be identified as part of the Fisheries

Mitigation Plan. Examples include impacts due to dredging, quayside construction, essential fish habitat loss, etc.

D.9 Project Decommissioning

The Proposer must describe how it will develop a decommissioning plan, including coordination with fisheries stakeholders, and any elements of its contemplated decommissioning plan that can be identified at this stage. Proposals demonstrating thoughtful consideration of the full life cycle of offshore wind energy projects will be considered favorably.

D.10 (Optional) Fisheries Compensation Plan

If a fisheries compensation plan is being considered to offset impacts, the Proposer must describe how it will determine instances where all reasonable attempts to avoid and minimize Project impacts, or restoration to predevelopment conditions are not feasible and some type of fisheries compensation plan is warranted. The Proposer must describe how a fisheries compensation plan was, or will be developed; how the Proposer will coordinate with the F-TWG and other entities in the design or review of the fisheries compensation plan, and; how the compensation plan will be administered by a non-governmental third-party to provide reasonable and fair compensation for impacts that cannot be sufficiently addressed through other means.

D.11 Additional Considerations

The Proposer must outline any additional mitigation strategies not otherwise described herein that would improve the Plan and reduce impacts on the fishing community. Proposers are encouraged to review the Bureau of Ocean Energy Management (BOEM) *Guidelines for Providing Information on Fisheries Social and Economic Conditions for Renewable Energy Development on the Atlantic Outer Continental Shelf Pursuant to 30 Code of Federal Regulations (CFR) Part 585*. (Available at <https://www.boem.gov/Social-and-Economic-Conditions-Fishery-Communication-Guidelines/>) and *Development of Mitigation Measures to Address Potential Use Conflicts between Commercial Wind Energy Lessees/Grantees and Commercial Fishermen on the Atlantic Outer Continental Shelf Report on Best Management Practices and Mitigation Measures. A final report for the U.S. Department of the Interior, Bureau of Ocean Energy Management, Office of Renewal Energy Programs, Herndon, VA. OCS Study BOEM* (available at <https://www.boem.gov/OCS-Study-BOEM-2014-654/>) in the development of their Plan.

Fisheries Mitigation Plan - Standardized Component

The Standardized Component of the Fisheries Mitigation Plan generally follows the Narrative component but provides concise and consistent documentation of specific mitigation approaches across selected projects to make comparison by stakeholders more efficient. Some elements within the Standardized Component are pre-populated and required of all Proposers. Proposers must augment these elements to the extent appropriate by addressing the highlighted areas through the addition of mitigation measures they are committing to pursue as part of the proposed project. A complete, stand-alone Fisheries Mitigation Plan must be provided in the format below.

Fisheries Mitigation Plan

for

[project name]

Version[1.0]

Prepared pursuant to [contract number, date (TBD)]

with

New York State Energy Research and Development Authority

Albany, NY

Prepared by

[company or joint venture name]

[Address]

[Logos]

[Date]

Record of Revision

[illegible]

Communication Officers, Contact Information, Links		
Name/Title	Role	Contact Information
[name] [title]	[key role and responsibilities]	[phone and email]

Links to project information: [website,
fisheries/maritime-specific website]

Table of Contents

[Add table of contents]

List of Figures

[Add list of figures, if any]

List of Tables

[Add list of tables, if any]

1. Fisheries Mitigation Plan Summary

1.1. Overall philosophy and principles

This section should describe the overall philosophy and principles the developer will follow to avoid, minimize, restore, and off-set potential fisheries impacts.

[Proposer statements, if any]

1.2. Overall approach to incorporating data and stakeholder feedback

This section should describe how the developer will use research, data, and stakeholder feedback to update the FMP and support decision-making throughout the life cycle of the project (pre-construction, surveys, site design, construction, operations, and decommissioning).

- The developer shall seek consultation and coordinate with relevant stakeholders.
- The developer shall review existing research and data and seek input from stakeholders regarding data gaps to inform decisions made throughout the Project life cycle.
- The developer shall review and seek input from stakeholders on proposed and conducted survey rationales and methodologies as well as design, construction and operation, and decommissioning plans for the Project.
- To the extent that the timeline allows, pre- and post-construction monitoring shall be designed to improve the understanding of impacts of offshore wind energy development and operations on fisheries.
- [additional Proposer statements, if any]

1.3. Existing guidance and best practices that will be followed

This section should present a list of existing guidance documents, publications, tools, and/or plans that will be followed to support the FMP. Include links, if available, for all references.

- [Proposer statements, if any]

2. Communications and Collaboration Approach

2.2. Overview and communication plan objectives

This section should provide an overview of the communication plan and objectives and its importance in fisheries mitigation.

- The developer shall seek methods and processes to allow for a two-way flow of information between key stakeholders and developers, highlighting how feedback informs their decision making.
- The developer shall provide updates to the fishing industry stakeholders in an appropriate manner that is easily accessed and widely distributed.
- The developer shall seek collaboration with the fishing industry to use technical applications to enhance communication and coordination for all on-water activities.
- [additional Proposer statements, if any]

2.3. Communication officers/positions, responsibilities, and contact information

This section should provide a list of communication officers, their role, and name and contact information. The list should provide stakeholders with an understanding of who should be called for a particular issue or question. It should also include links to the project website so readers know where to find additional information. [Complete Table as Appropriate]

Name/Title	Role/Responsibilities	Contact Information

2.4. Identification of fishing industry stakeholders

This section should describe the process by which stakeholders relevant to fisheries and the fishing industry will be identified and classified by stakeholder group.

- [Proposer statements, if any]

2.5. Participation in stakeholder and technical working groups

2.5.1. Communication with F-TWG

This should describe the communication and collaboration approach with members of the F-TWG and consultations.

- The developer shall dedicate project specific technical resources to the F-TWG.
- To the extent practicable, the developer shall work with and attend future F-TWG meetings and sponsored conferences.
- The developer shall identify specific individuals to serve at least one-year terms in

the role of primary and secondary core members.

- [additional Proposer statements, if any]

2.5.2. Communication with other New York State agencies

This should describe communication with New York State agencies during each phase of the project.

- [Proposer statements, if any]

2.5.3. Communication with other stakeholder and working groups

This should describe any relevant participation with other stakeholder groups, such as international fisheries groups, that would help inform the FMP.

- The developer shall seek to collaborate with other regulatory agencies and stakeholder groups and consider memberships and participation in such collaborative efforts (e.g., E-TWG, F-TWG, ROSA, RWSE, etc.).
- [Proposer statements, if any]

2.5.4. Communication and collaboration with other developers

This should describe any relevant participation and collaboration with other developers in the offshore space, with a focus on communication and collaboration with adjacent leaseholders. This may include but is not limited to shared research efforts, coordination of survey methods, or standardization of navigational and safety protocols.

- The developer shall seek to maximize the impact of research efforts such as data collection, methodology, analysis and dissemination by collaborating with other developers, particularly those in adjacent lease areas, taking on similar initiatives.
- [Proposer statements, if any]

2.6. Communication methods and tools

2.6.1. Methods by phase

This section should describe the communication and outreach methods and tools that will be employed for each stakeholder group during each phase of the project. [Complete Table as Appropriate]

Proposed Outreach Methods/Tools	Phase*			
	1	2	3	4
*Phase: 1: Survey/Design; 2: Construction; 3: Operation; 4: Decommission				

2.6.2. Communication with vessels

This section should describe communication methods/tools with vessels actively fishing in areas in or adjacent to the Project area during site assessment and construction activities and facilitate proper notification to vessels and resource managers.

- To avoid fisheries conflicts, to the greatest extent practicable the developer shall seek to

employ a fishing captain or other experienced fishing industry representative to be onboard vessels during key time/activities where potential conflicts could be greatest.

- [additional Proposer statements, if any]

3. Monitoring and Research Pre-, During, and Post-Construction

3.1. Identification of scope of monitoring activities/studies

This section should provide an overview of the anticipated monitoring activities, including how the specific scope of monitoring activities will be identified and what types of scientific questions will be addressed.

- Monitoring methods and scientific designs shall meet the highest scientific standards and should follow guidance mentioned in the [Offshore Wind Project Monitoring Framework and Guidelines](#) developed by ROSA.
- To the greatest extent practicable, fisheries and related research will be performed onboard commercial and recreational fishing vessels. These vessels shall meet all appropriate regulatory safety and scientific standards prior to the beginning of any monitoring activity.
- [additional Proposer statements, if any]

3.2. Baseline data and characterization approach

This section should describe how baseline data will be established on the spatial and temporal presence of fish and invertebrates in the proposed area of the Project at multiple life history stages included egg, larval, juvenile, adult, and spawning stages, as well as associated fish and invertebrate habitats.

3.2.1. Existing literature and data of benthic and fisheries resources

Describe key existing literature and datasets that are available for baseline characterization.

- [Proposer statements, if any]

3.2.2. Data collected of benthic and fisheries resources

This section should describe survey activities undertaken or that will be undertaken by the developer that will inform the baseline characterization of benthic and fisheries resources.

- [Proposer statements, if any]

3.3. Monitor for potential impacts during each phase

This section should describe how potential impacts will be monitored on these types of life history stages during each phase of physical work for the Project (site assessment, construction, operation, and decommissioning) to inform mitigation planning for later phases of the Project as well as for future Projects.

- The developer shall seek to collaborate with other regulatory agencies and stakeholder groups (e.g., E-TWG, F-TWG, and ROSA) to identify research needs and opportunities.
- [additional Proposer statements, if any]

3.4. Assess and quantify changes to fishery resources

This section should describe how changes to fisheries resources will be quantified using statistically sound methods.

- Ideally, specific questions and focal taxa shall be chosen for the Project either based on site-specific fisheries risk assessment, or in relation to broader regional efforts to assess

variation between sites and understand cumulative impacts for sensitive species.

- Monitoring will, to the extent practicable, use appropriate study designs and methodologies to effectively analyze risk prior to construction and evaluate impacts during construction and operation by testing hypotheses and helping to assure statistical power for meaningful data analysis.
- Outside expertise will, if practicable, be consulted during study design and data analysis processes.
- [Proposer statements, if any]

3.5. Assess potential changes to commercial and recreational fishing activities

3.5.1. Current and historical usage

This section should describe how the proposed Project area is used by commercial and recreational fisheries in the region, including current and historic usage as well as how associated transit routes will be determined.

- [Proposer statements, if any]

3.5.2. Changes in usage

This section should describe how changes in commercial and recreational fishing patterns will be calculated postconstruction using statistically sound methods.

- [Proposer statements, if any]

3.6. Addressing data gaps

This section should describe how data gaps will be addressed.

- The developer shall seek to work with stakeholders, including regulatory agencies, to identify data gaps to be addressed through surveys or permitting applications.
- [additional Proposer statements, if any]

3.7. Data availability

This section should describe how fisheries data will be made available in accordance with Section 2.2.8 of the RFP.

- The developer shall make non-proprietary environmental and fisheries data publicly available in a format and manner best suited for efficient distribution.
- [additional Proposer statements, if any]

4. Supporting Other Research

4.1. Support of collaborative research

This section should describe how opportunities for developing or investing in collaborative research with the fishing industry to collect ecological and/or fishing data will be identified and undertaken. The description must account for the need to coordinate with members of the F-TWG during data gathering and assessment.

- The developer shall commit to being an active member of regional science organizations (e.g. Regional Wildlife Science Entity, Responsible Offshore Science Alliance)
- [Proposer statements, if any]

4.2. Handing/processing requests

This section should describe how requests for coordination with third-party supported scientists will be processed - including providing reasonably-requested Project data and access to the Project area for independent scientists examining environmental sensitivities and/or the impacts of offshore wind energy development on fish, invertebrates and fisheries for the purpose of publication in peer-reviewed journals.

- [Proposer statements, if any]

4.3. Proposed restrictions

This section should describe any restrictions on data provision or access that may be required to protect trade secrets or maintain site security.

- The developer shall seek to explain why identified data types are considered commercially sensitive.
- [additional Proposer statements, if any]

4.4. Financial commitment for third party research

This section should provide a level of financial commitment, if elected, that will be appropriated to leverage third-party environmental research funding related to fish, invertebrates and fisheries, including federal or State-supported research. Or, if elected, provide the level of commitment to a general fund for supporting third-party research into relevant fish and invertebrate communities and associated commercial and recreational fisheries and the effects of offshore wind energy development.

- [Proposer statements, if any]

4.5. Proposed or existing commitments/collaborations

This section should describe proposed or existing commitments and collaborations with third-party researchers in support of monitoring activities and assessing impacts.

- [Proposer statements, if any]

5. Proposed Mitigation of Impacts to Benthic/Fisheries Resources

5.1. Potential impacts/risks and mitigation measures by project stage

The table below should list the potential impacts and risks to benthic/fisheries resources and proposed mitigation measures. To this end, a description of how the potential adverse impacts of infrastructure design elements (e.g., turbine spacing and layout, turbine foundation type, cable burial and protection methods, and cable crossing designs) on fishing in the proposed Project area will be considered in mitigating impacts should be included. The mitigation measures should also demonstrate that the Project area and proposed site design allows for reasonable flexibility in the site layout (e.g., orientation of turbine lines, distance between turbines, and navigation areas) to accommodate changes that may be needed in the future. The section should also describe the planned operational protocol to avoid, minimize, and mitigate impacts to fish, invertebrates and fisheries during Project construction and operation phases, such as vessel transit routes, designation and monitoring of safety zones, gear monitoring and retrieval, and communication with fishing vessels and resource managers. [Add potential impacts and proposed mitigation measures as appropriate]

Potential Impacts	Proposed Mitigation Measures	Phase*			
		1	2	3	4
Micro-siting conflicts with habitats and fishery resources	The developer shall seek input from regulatory authorities, the fishing industry, and maritime industry to locate foundations and cable routes in the least impactful manner that is practicable.	X			
Temporary, Alteration of the seabed and localized increases in noise and turbidity	The developer shall seek to use noise attenuation technologies to reduce sound from pile driving of foundations (if such methods are used)	X	X	X	X
Long-term changes to seabed habitat	The developer shall, to the extent possible, avoid sensitive benthic habitats.	X	X	X	X
EMF Impacts	- The developer shall use proper shielding to reduce EMF. - The developer shall conduct EMF modeling and assessments to identify potential mitigation requirements.	X	X	X	
Cable Burial	The developer shall bury export cables to an appropriate minimal depth to reduce exposure risk. If depth cannot be reached, the developer shall add protective materials over the cable.		X	X	
Turbine Scour Protection	The developer shall seek collaboration with state and federal regulatory authorities and key stakeholders to assess the use of ecological enhancements for turbine scour protection to provide offsets from potential adverse impacts.	X	X	X	X

5.2. Coordination with F-TWG and other stakeholders

This section should describe how the developer will engage with stakeholder groups such as the F-TWG and other regional fishermen that address stakeholder concerns related to benthic and

fisheries resources. Specifically, describe the key types of information and design decisions where feedback will be solicited from stakeholders.

- The developer shall coordinate with the F-TWG stakeholders to address concerns and mitigate impacts to benthic/fisheries resources.
- [additional Proposer statements, if any]

6. Proposed Mitigation of Impacts to the Recreational and Commercial Fishing Industry

6.1. Potential impacts/risks and mitigation measures by project stage

The table below should list the potential impacts and risks to recreational and commercial fisheries and proposed mitigation measures. To this end, this section should describe of how the potential adverse impacts of infrastructure design elements (e.g., turbine spacing and layout, turbine foundation type, cable burial and protection methods, and cable crossing designs) on fishing in the proposed Project area will be considered in mitigating impacts. The mitigation measures should also demonstrate that the Project area and proposed site design allows for reasonable flexibility in the site layout (e.g., orientation of turbine lines, distance between turbines, and navigation areas) to accommodate changes that may be needed in the future. The section should also describe the planned operational protocol to avoid, minimize, and mitigate impacts to fisheries during Project construction and operation phases, such as vessel transit routes, designation and monitoring of safety zones, gear monitoring and retrieval, and communication with fishing vessels and resource managers. [Add potential impacts and proposed mitigation measures as appropriate]

Potential Impacts	Proposed Mitigation Measures	Phase*			
		1	2	3	4
Fishing gear loss	The developer shall seek consultation with regulatory authorities and fisheries stakeholders for the development and use of a Gear Loss Prevention and Claim Procedure.	X	X	X	X
Navigational safety concerns	- The developer shall develop a Navigational Enhancement and Training Program in consultation with regulatory authorities and fisheries stakeholders. - The developer shall seek consultation with appropriate regulators, F-TWG and fishing community, to minimize the overall area of temporary closed areas.	X	X	X	X
Displacement/loss of access to traditional fishing grounds during survey and construction activities	- The developer shall coordinate with fishing stakeholders to determine spatial and temporal use. - The developer shall, to the extent practicable, avoid heavily fished areas.	X	X	X	X
EMF Impacts	- The developer shall use proper shielding to reduce EMF impacts. - The developer shall conduct EMF modeling and/or assessments to identify potential mitigation requirements.	X	X	X	
Cable Burial	The developer shall bury export cables to an appropriate minimal depth to reduce risk. If depth cannot be reached, the developer shall add protective materials over cable which allows fishing activity to occur.		X	X	

Impacts to sensitive areas	The developer shall collaborate with state regulatory authorities and key stakeholders to collect data and avoid sensitive areas to the extent that is reasonably practicable.	X	X		X
Turbine Scour Protection	The developer shall seek collaboration with state and federal regulatory authorities and key stakeholders to assess the use of ecological enhancements for turbine scour protection to provide offsets from potential adverse impacts.	X	X	X	X

6.1.1. General approach to avoiding and mitigating fishing gear loss

This section should describe how potential loss of fishing gear due to snags on turbine structures, associated cables or cable mattresses, or related structures installed or deployed as a result of offshore wind energy development, will be minimized.

- The developer shall endeavor to bury export cables to sufficient to minimize exposure risk. If the “appropriate depth” cannot be reached, the developer will add protective materials over the cable which to the extent practicable also allows for fishing to occur.
- [additional Proposer statements, if any]

6.1.2. Processing claims for lost fishing gear

This section should describe how the developer will approach claims of lost gear in the event of a snag that provides for a fair and timely review and appeals of the claim and appropriate compensation of impacted parties.

- The developer shall work with F-TWG and fishing community to establish the appropriate procedures in advance of the start of construction activities. When practical, the procedures shall be standardized across projects, fisheries, gear types, and geographic regions.
- The developer shall use a third-party reviewer to assess claims and appeals when practicable.
- [additional Proposer statements, if any]

6.2. Coordination with F-TWG and other stakeholders

This section should describe how the developer will engage with stakeholder groups such as the F-TWG and other regional fishermen and shipping and navigation to determine Project layouts that address stakeholder concerns. Specifically, describe the key types of information and design decisions where feedback will be solicited from stakeholders.

Describe how changes to environmental resources will be quantified using statistically sound methods.

- Upon request the developer shall provide a detailed, step by step breakdown of the process used to create the Project layout. The developer shall engage with the F-TWG, regional fishermen and other maritime stakeholders such as maritime experts, consultants, and marine safety committees to refine Project layouts that aim to minimize impacts on existing fishing practices and facilitate ongoing access to traditional fishing grounds.
- The developer shall work with fisherman and other stakeholders through the developer’s dedicated fisheries staff to help address key concerns such as navigation, vessel access, and safety.
- [additional Proposer statements, if any]

7. Considerations for Subsea Cables

7.1. Mitigation strategies for subsea and overland cables

This section should describe any additional fish and fisheries mitigation strategies for proposed subsea cable routes that support the offshore wind project.

- [additional Proposer statements, if any]

8. Considerations at Eligible Investment Sites

8.1. Mitigation strategies for supply chain related facilities

This section should describe any additional mitigation strategies for port or near shore facilities that support the offshore wind project, but not located at sea. Fish and fisheries mitigation measures should address impacts due to dredging, quayside construction, essential fish habitat loss, etc.

- [additional Proposer statements, if any]

9. Project Decommissioning

9.1. Potential impacts based on available information and experience

This section should describe potential impacts to benthic/fisheries and the fishing industry from decommissioning the project, based on available information and relevant experience (if any).

- The developer's waste handling processes during decommissioning shall focus on re-use or recycling, with disposal as the last option.
- The developer shall collaborate with regulatory authorities and key fisheries stakeholder groups to better understand the effects and potential impacts associated with decommissioning.
- [additional Proposer statements, if any]

9.2. Approach for developing plan and coordination with stakeholders

This section should describe how a decommissioning plan will be developed to identify and mitigate potential impacts, including coordination with fisheries stakeholders, and any elements of its contemplated decommissioning plan that can be identified at this stage.

- The developer shall decommission the Project in accordance with all necessary laws and regulations and generate a detailed Project-specific decommissioning plan.
- The developer shall seek input on the detailed Project-specific decommissioning plan from regulatory agencies, fisheries and marine stakeholders, and local communities.
- The developer shall use "lessons learned" from the construction and operation activities and apply them when appropriate to the decommissioning plan.
- [additional Proposer statements, if any]

10. (Optional) Fisheries Compensation Plan

10.1. Consideration of compensation plan

If a fisheries compensation plan is being considered to offset impacts, this section should describe how it will determine instances where all reasonable attempts to avoid and minimize Project impacts, or restoration to predevelopment conditions are not feasible and some type of fisheries compensation plan is warranted.

- At a minimum, the developer will be required to follow any and all guidance being developed as part of BOEMS's 2021 Fisheries Mitigation Guidance Process: <https://www.boem.gov/renewable-energy/request-information-reducing-or-avoiding-impacts-offshore-wind-energy-fisheries> .
- [Proposer statements, if any]

10.2. Approach to developing compensation plan

8.2.1. Coordination with stakeholders

This section should describe how a fisheries compensation plan was or will be developed; how the developer will coordinate with the F-TWG and other entities in the design or review of the fisheries compensation plan.

- The developer will work as needed to evolve the guidance being developed as part of BOEM's 2021 Fisheries Mitigation Guidance Process: <https://www.boem.gov/renewable-energy/request-information-reducing-or-avoiding-impacts-offshore-wind-energy-fisheries> .
- [Proposer statements, if any]

8.2.2. Third-party administration

This section should describe how the compensation plan will be administered by an nongovernmental third-party to provide reasonable and fair compensation for impacts that cannot be sufficiently addressed through other means.

- The developer shall work with the state, federal, and fishing industry members to assess the most appropriate entity for administration and disbursement of fisheries mitigation funds.
- [Proposer statements, if any]

11. Additional Considerations

11.1. Additional mitigation strategies and FMP refinement

This section should describe any additional mitigation strategies not otherwise described herein that would improve the Plan and reduce impacts on the fishing community. In addition, describe how the FMP will be updated and refined based on additional information and stakeholder feedback.

- The developer shall support collaborative research on potential mitigation strategies, with other developers, agencies, and stakeholders.
- The developer shall implement a Navigational Enhancement and Training Plan that is designed with the engagement from the F-TWG, fisheries organizations, and state agencies.

[additional Proposer statements, if any]

11.2. Process for updating the FMP

This section should describe how feedback from environmental stakeholders, F-TWG, and other agencies and working groups will be incorporated and updated in the FMP.

- The developer shall update the FMP to reflect the results of iterative exchanges with members of the F-TWG, E-TWG, and other relevant stakeholders.
- The developer shall engage with the F-TWG and fisheries organizations and use feedback in these discussions to evolve the FMP.
- The developer shall update the FMP in a timely manner that reflects changes made based on key regulatory project deliverable dates.
- [additional Proposer statements, if any]