

Request for Information (RFI):
Framework for Establishing a Regional Fisheries Compensation Fund
Administrator for Potential Impacts to the Fishing Community from
Offshore Wind Energy Development
Comments due by January 31, 2023

Nine Atlantic Coast States (the States) of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Maryland, and Virginia are working together to advance and ultimately implement a consistent regional approach for administration of financial compensation (Regional Fund Administrator) paid by developers to address adverse effects of offshore wind energy development on the U.S. Eastern Seaboard's (i.e., Atlantic Coast's) commercial and for-hire¹ recreational fishing industries in the absence of current federal authorities for doing so. The States are requesting input from members of the commercial and for-hire recreational fishing industry, renewable energy industry, corporate and financial management, and others with direct involvement in issues regarding offshore wind energy siting and development, as well as interested members of the public, to help design an effective and efficient way to accomplish this important shared objective.

TIMELINE

The States intend to advance the effort to establish a Regional Fund Administrator as follows:

- December 12, 2022: The Nine States issue the RFI on December 12, 2022. The comment period provided is eight weeks as requested by several representatives of the fishing industry to provide sufficient time for consideration of the scoping document and preparing written comments.
- January 31, 2023: Comments are due.
- February 2023: RFI comments are reviewed by the States with input from fishery advisors, NOAA, BOEM, and offshore wind industry.
- Winter 2023: The process is delineated for how a Regional Fund Administrator will be established.
- Spring 2023: Implement process for the selection of the Regional Fund Administrator.

¹ "For-hire" include party and charter recreational fishing businesses

INFORMATION REQUESTED

This RFI seeks comments and suggestions on the topics discussed in the accompanying Scoping Document to help guide and inform decision making regarding the selection and establishment of the Regional Fund Administrator. Responses that address the following questions would be appreciated. Please note that this is not a Request for Qualifications (RFQ) but an RFI, only. Nothing in this RFI, nor responses to it, should be construed as a procurement vehicle or solicitation. Please also note that changes may be made to the Scoping Document based on consideration of comments received.

Establishing a Regional Fund Administrator for Fisheries Compensatory Mitigation Framework

- Do you agree with the general statements outlined in the Scoping Document under the following topic headings below? If not, explain what you do not agree with, your concerns, and identify alternative possible formulations or solutions of that element.
 - Intended Purpose of a Compensation Program
 - Anticipated Losses and Costs
 - Regional Geographic Scope
 - A Unified Regional Fund
 - Key Qualities of an Administrator
 - Key Tasks of an Administrator
 - Technical Considerations for Fund Administration
 - Appeals Process
 - Governance and Advisory Structure

Evidence of Claims Questions

- Besides traditional fisheries data sources, what additional data sources could be considered to aid in proving economic loss associated with offshore wind development for eligible groups? Provide a rationale for inclusion of a data source and specific group the data source would apply to.

Regional Fund Administrator Purpose Questions

- What role, if any, should the Regional Fund Administrator play in managing additional transition and resilience funds that may be distributed to help the fishing industry or specific fisheries/gear types of the industry transition and

adapt to the long-term presence of the offshore wind industry in traditional fishing grounds?

- If you do not think that management of such funds is an appropriate role for the Regional Fund Administrator, how should such funds be managed?
- Should a separate gear loss claims process also be regionalized under the purview of this administrator? Please provide your rationale for the inclusion or exclusion of such a process to be handled by a Regional Fund Administrator.

Governance Questions

- Of the governance options proposed, which is preferable and why, or is there another model that should be considered?
- What role should the States play in governing or advising the Regional Fund Administrator? Please be as specific as possible as to why, what, how, and who?
- What role should the fishing industry play in governing or advising the Regional Fund Administrator? Please be as specific as possible as to why, what, how and who?
- What role should the offshore wind industry play in governing or advising the Regional Fund Administrator? Please be as specific as possible as to why, what, how and who?
- Are there other entities or organizations that should be involved in governing or advising the Regional Fund Administrator?

Funding Questions

As a reminder, this RFI is focused on the management of funds, not the source of funds. Therefore, the questions the States encourage respondents to focus on include the following:

- How might States encourage developers' participation in directing their compensatory mitigation to a regional fund?
- What mechanisms or procedures should be established to ensure administrative costs are kept at a fair but reasonable level?
- How should administrative costs be paid?

Claims Process Questions

- How should dispute resolution of claims be managed with respect to the Regional Fund Administrator? Should this be a role of the Regional Fund Administrator, an independent entity, or some hybrid?

- Are there other sources of potential revenue loss or increased expenses that are missing from Table 1 of the Scoping Document?
- What datasets and/or approaches may be appropriate to use when determining eligibility for shoreside industries and others that may not have the same level of documentation as commercial fishing operations?

Identifying a Regional Fund Administrator

Although this is not an RFQ, responses are encouraged to the following questions:

- What kind of firms could help design and or administer the Regional Fund as described in the Scoping Document (claims process, data, governance, etc.)?
- Please provide the names of firms who may have an interest in this work.
- Please provide additional considerations that were not outlined in the Scoping Document and that are necessary for a firm's interest in providing services for the regional compensatory mitigation Regional Fund Administrator in the future.

RESPONSE REQUIREMENTS

Responses should address one or more of the questions above or provide other relevant information to support the establishment of a Regional Fund Administrator. Responses should be brief but complete, in a Word document or PDF. To be fully considered, responses should include contact information, including full name and/or organization, as appropriate.

CONTRACT AWARD AND LIMITATION

This request for information will not result in the award of a contract for goods or services. RFI responses will be collected and analyzed to inform next steps. This solicitation does not commit the Special Initiative on Offshore Wind (SLOW) or any State to award a contract, pay any costs incurred in preparing a response, or to procure or contract for services or supplies.

SUBMITTING COMMENTS AND DESIGNATED CONTACT

All comments to the RFI must be submitted to: comments@offshorewindpower.org with the Subject Line: Regional Fund Administrator RFI no later than 5:00 PM Eastern Standard Time on January 31, 2023, to be considered in this process.

Respondents should provide only information that can be made public. All responses to the RFI will be considered non-confidential and may be considered public records by one or more of the States supporting this effort.