8.1

Fisheries Mitigation Plan

attentive energy

Section 8.1 Table of Acronyms

Acronym	Definition
AC	Alternating Current
ACP	Agency Communications Plan
ACT_MATOS	Atlantic Cooperative Telemetry Mid-Atlantic Acoustic Telemetry Observation System
[redacted]	[redacted]
BACI	Before-After-Control-Impact
BOEM	Bureau of Ocean Energy Management
CFR	Code of Federal Regulation
COP	Construction and Operations Plan
DC	Direct Current
eDNA	Deoxyribonucleic Acid
EMF	Electromagnetic Fields
EMP	Environmental Mitigation Plan
E-TWG	Environmental Technical Working Group
FCP	Fisheries Communication Plan
FL	Fisheries Liaison
[redacted]	[redacted]
FMP	Fisheries Mitigation Plan
FR	Fishing Representative
F-TWG	Fisheries Technical Working Group
LLC	Limited Liability Company
MARACOOS	Mid-Atlantic Regional Association Coastal Ocean Observing System
MW	Megawatts
NEFSC	Northeast Fisheries Science Center
NGO	Non-Governmental Organizations
NJDEP	New Jersey Department of Environmental Protection
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
[redacted]	[redacted]
[redacted]	[redacted]
NYSDEC	New York State Department of Environmental Conservation
NYSERDA	New York State Energy Research and Development Authority
OCS	Outer Continental Shelf
OFL	Onboard Fisheries Liaison

Acronym	Definition
OREC	Offshore Wind Renewable Energy Certificate
[redacted]	[redacted]
PV	Plan View
RMI	Resource Monitoring Initiative
[redacted]	[redacted]
[redacted]	[redacted]
[redacted]	[redacted]
SPI	Sediment Profile Imaging
USCG	United States Coast Guard
VIMS	Virginia Institute of Marine Science
VMS	Vessel Monitoring Systems
WTG	Wind Turbine Generator

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8. Responsible Development

AE1 – A Historic Victory for Environmental Justice

8.1 Fisheries Mitigation Plan

Attentive Energy's Fisheries Mitigation Plan aims to balance the interests of responsible offshore wind energy development with those of commercial and recreational fishermen who rely on marine resources in the Project Area. Mitigation approaches developed for the Project will be directly related to resource impacts. Attentive Energy will strive to avoid and minimize impacts to fisheries resources. Where impacts cannot be avoided or minimized, Attentive Energy will implement mitigation practices using this FMP as a guide. [redacted]

8.1.1 Fisheries Mitigation Plan Summary

The FMP outlines the steps Attentive Energy has taken, and will take, to work collaboratively with the State and Federal agencies, and other stakeholders to define avoidance, minimization, and mitigation measures for the Project. This FMP also details how Attentive Energy will account for the potential adverse impacts to fisheries resources throughout the Project lifecycle.

[redacted]

Following the mitigation hierarchy, Attentive Energy will strive to avoid and minimize impacts to fisheries resources. Where impacts cannot be avoided or minimized, Attentive Energy will implement mitigation practices using the FMP as a guide. [redacted]

[redacted] The details of how the funds proposed will be utilized to achieve these goals are detailed in this FMP and the EMP included in this Proposal.

[redacted]

As outlined in this FMP, Attentive Energy is proactively incorporating impact avoidance and minimization measures into Project design and planning through establishing early and open engagement with the fishing community. [redacted]

8.1.1.1 Adaptively Updating the FMP Document

Attentive Energy expects feedback from the fishing and research communities, and that other stakeholders will continue to inform Project design, planning, and operations in a manner beneficial to all parties. As such, Attentive Energy intends for this FMP to be refined over time to reflect this ongoing dialogue and the growing understanding of offshore wind development in the New York Bight.

8.1.2 Communications and Collaboration

8.1.2.1 Engagement Commitments

As outlined in detail within the Stakeholder Engagement Plan, Attentive Energy's communications and engagement philosophy is rooted in three commitments:

- Communicating frequently and proactively throughout the Project lifecycle (i.e., from pre-construction to decommissioning);
- Understanding stakeholder concerns and interests; and
- Developing actionable objectives where practical to address stakeholder concerns and interests.

Each commitment is rooted in understanding the communities' needs and diverse perspectives and maintaining a responsive dialogue with all stakeholder groups.

8.1.2.2 Fisheries Engagement

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

8.1.2.3 Offshore Fisheries Liaisons (OFL)

Attentive Energy's OFLs will coordinate briefings with survey vessel crews and construction vessel operators. Information about on-water activities is published on the Attentive Energy website. [redacted]

[redacted]

8.1.2.4 State and Regional Collaboration

[redacted]

8.1.2.5 Local Collaboration

[redacted]

8.1.2.6 Collaboration with Regional Science Entities

Attentive Energy is committed to collaborating with regional science-based organizations to support and advance the understanding of the impacts of offshore wind on fisheries and wildlife resources. [redacted]

[redacted]

collaboratively funded the development of an Integrated Science Plan for Offshore Wildlife, Habitat, and Offshore Wind Energy in U.S. Atlantic Waters[4], which was released in January 2024.

As the Integrated Science Plan for the Offshore Wind and Wildlife will be a living document, changes to the Fisheries Monitoring and Ecosystem Research Program may be warranted.

8.1.3 Monitoring and Research Pre-, During-, and Post-Construction

Attentive Energy has developed a Fisheries Monitoring and Ecosystem Research Program that will be applied during every phase of the Project. The development of this program was informed through engagement with the fishing community and active participation in

The goals of Attentive Energy's Fisheries Monitoring and Ecosystem Research Program are to:

[redacted]

[redacted]

Figure 8.1-1 Attentive Energy at the 153rd American Fisheries Society Annual Meeting

[redacted], Attentive Energy seeks to be consistent, collaborative, and complimentary to research being conducted within the region.

[redacted]

[redacted]

8.1.3.1 Establish Baseline Data on Fisheries Resources

To establish a scientifically sound database from which to characterize baseline conditions within the Project Area, Attentive Energy will use existing guidance to inform the design of field surveys (e.g., from BOEM, NMFS, and NYSERDA). [redacted]

Attentive Energy referenced relevant guidance documents to inform the design and implementation of the Fisheries Monitoring and Ecosystem Research Program. [redacted]

- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]

To gather existing baseline data for the Project Area, Attentive Energy has identified and reviewed several publicly available data sources, including commercial and recreational fisheries data, studies associated with the Fish and Fisheries Study (2017), and NOAA Fisheries figures and studies. NYSERDA's Fish and Fisheries Study summarized fisheries-independent surveys that sampled juvenile and adult fish and invertebrates in the waters of the New York Bight, including the:

- NOAA NEFSC Bottom Trawl Survey;
- Sea Scallop Dredge Survey, and Clam Survey;
- NJDEP Ocean Trawl Survey; and
- Northeast Area Monitoring and Assessment Program's Nearshore Trawl Survey, jointly operated by the Atlantic States Marine Fisheries Commission and the Virginia Institute of Marine Science.

NYSERDA's Fish and Fisheries Study also summarized data collected from NEFSC's Ecosystem Monitoring Cruises, which sample planktonic organisms, including fish larvae and eggs. These sources provide an excellent starting point to develop insight into fish and invertebrates within the New York Bight and the Lease Area at multiple life history stages, and associated habitats.

8.1.3.2 Monitor Fisheries for Impacts

[redacted]

[redacted]

[redacted]

8.1.3.3 [redacted]

[redacted]

8.1.3.4 Data Availability

[redacted]

8.1.3.5 Determine Usage of Project Areas

[redacted]

8.1.3.6 Fisheries Research Initiatives

To advance the ecosystem research component of the Fisheries Monitoring and Ecosystem Research Program, Attentive Energy is collaborating with the scientific community through the [redacted]

[redacted]

[redacted]

- [redacted]

[redacted]

- [redacted]

[redacted]

8.1.4 Supporting Other Research

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

8.1.5 Site Design Considerations

Attentive Energy's goal with respect to site design is to ensure that WTG siting, layout, cable routing, burial depth, and other design elements are planned and implemented, are conducive to existing fishing practices and other marine uses. Attentive Energy intends to preserve access to fishing grounds to the extent practicable, to accommodate current and planned maritime navigation standards, and to facilitate search and rescue performance. Siting of facilities will also apply the mitigation hierarchy related to potential effects. For additional information on subsea cable considerations, see Section 8.1.7.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

8.1.6 Construction and Operation

To avoid, minimize, and mitigate the potential impacts of Project construction and operations on the fishing community, Attentive Energy will:

[redacted]

All installed structures and equipment will be charted as per published guidance from USCG and NOAA.

[redacted]

8.1.7 Considerations for Subsea Cables

As identified in the NYSERDA Offshore Wind Cable Corridor Constraints Assessment[11], Attentive Energy understands challenges to offshore wind cables throughout the New York Harbor area include marine geology, recreational and commercial fishing, aquatic biological resources, and sensitive habitats.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

8.1.8 Project Decommissioning

Attentive Energy will be required to develop a Decommissioning Plan in support of the Project per 30 CFR 285.900. This plan will be informed by the extensive global experience of TotalEnergies', one of the Project Sponsors, decommissioning at sea projects. The COP will describe the decommissioning activities, including reference to requirements under 30 CFR 585.910. [redacted]

[redacted]

[redacted]

[redacted]

8.1.9 Fisheries Compensation Plan

[redacted]

- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]

Attentive Energy supports a regional, or national, fisheries compensation fund as an important backstop after individual Offshore Wind project's avoidance, minimization, and mitigation measures are developed.

Attentive Energy remains committed to identify areas of commonality that promote mutually agreed upon benefits like standardization, a neutral third-party Administrator, and active participation by fishermen in determining any final solution. Attentive Energy's goal is to avoid impacts to the greatest extent practical.

[redacted]

[redacted]

[redacted]

8.1.10 Additional Considerations

[redacted]

8.1.11 References

[redacted]

www.attentiveenergy.com

LIST OF ATTACHMENTS

SECTION 8.1 Fisheries Mitigation Plan

Attachment 8.1-A: [redacted]

Fisheries Mitigation Plan

for

Attentive Energy One

Version [1.0]

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

with

New York State Energy Research and Development Authority

Albany, NY

Prepared by

Attentive Energy LLC

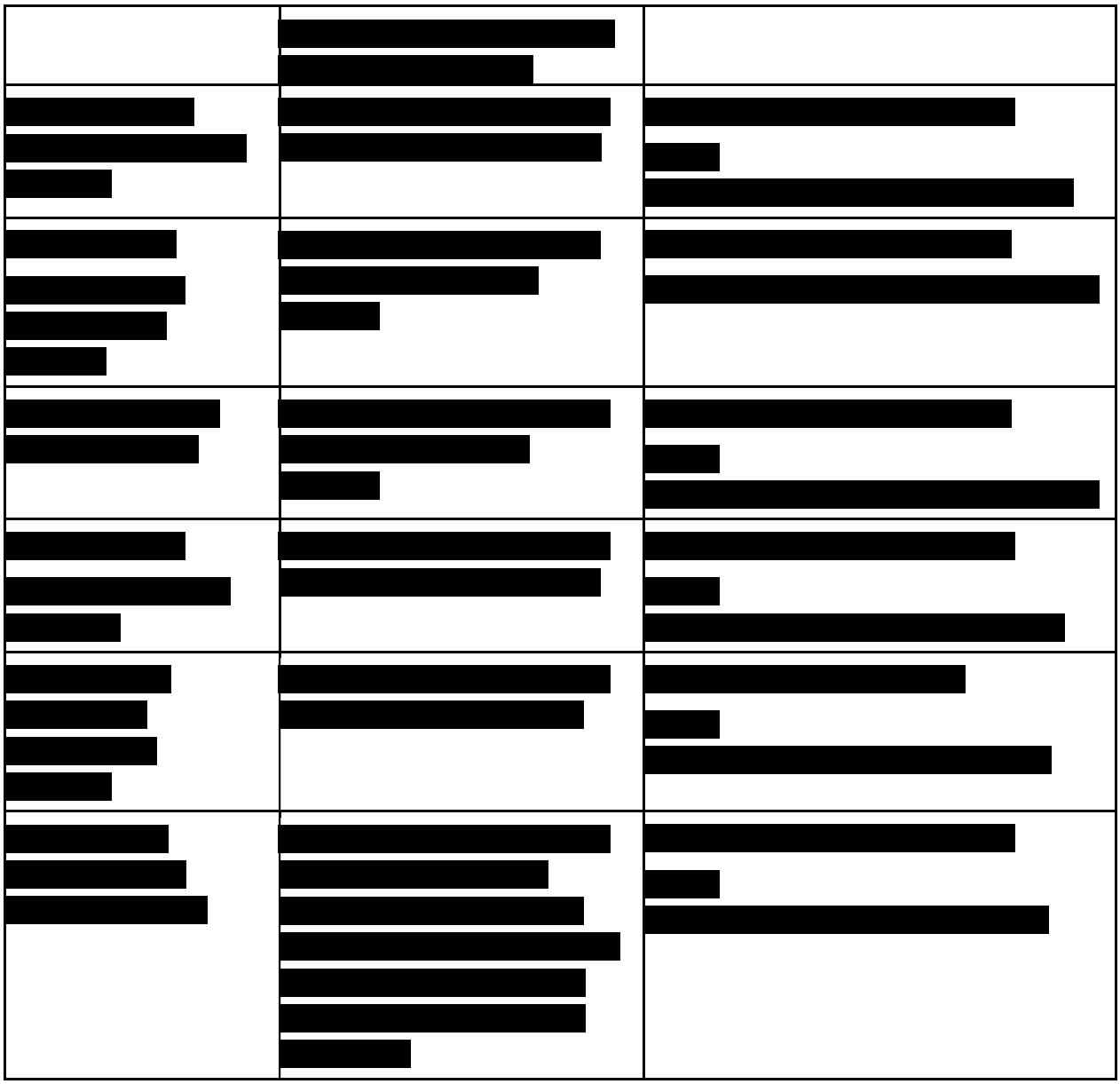
250 West 34th Street, 3rd Fl Suite 303
New York, NY 10119

September 2024

Record of Revision		
Revision Date	**Description of changes**	**Revision on pages**
September 2024	Original version prepared in response to ORECRFP24-1	N/A

Project Information and Contacts

[redacted]	[redacted]	[redacted]
[redacted]	[redacted] New York State Energy Research and Development Authority ("[redacted]") [redacted]	[redacted]
[redacted]	[redacted]	



Links to project information:

Project Website: www.attentiveenergy.com
Maritime-Specific Website: https://attentiveenergy.com/fishermen/
Twitter: @ThisIsAttentive
LinkedIn: Attentive Energy

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1. Fisheries Mitigation Plan Summary

1.1. Overall philosophy and principles

- Attentive Energy's Fisheries Mitigation Plan ("FMP") aims to balance the interests of responsible offshore wind energy development with those of commercial and recreational fishermen who rely on marine resources in the Project Area.
- [redacted]
- [redacted]
- The FMP outlines the steps Attentive Energy has taken, and will take, to work collaboratively with the State, Federal agencies, and other stakeholders to define avoidance, minimization, and mitigation measures for the Project. This FMP also details how Attentive Energy will account for the potential adverse impacts to fisheries resources throughout the Project's lifecycle.
- [redacted]
- Attentive Energy strives to evaluate potential Project impacts and base decisions on an objective, science-based analysis of the various Project phases. Where impacts cannot be avoided or minimized, Attentive Energy will implement mitigation practices using this FMP as a guide.
- [redacted]
- [redacted]

1.2. Overall approach to incorporating data and stakeholder feedback

- Attentive Energy will seek consultation and coordinate with relevant stakeholders.
- Attentive Energy will review existing research and data and seek input from stakeholders regarding data gaps to inform decisions made throughout the Project life cycle.
- Attentive Energy will 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 will be designed to improve the understanding of impacts of offshore wind energy development and operations on fisheries.
- Attentive Energy expects feedback from the fishing and research communities, and that other stakeholders will continue to inform Project design, planning, and operations in a manner beneficial to all parties, and will update the FMP accordingly, based upon this feedback.

1.3. Existing guidance and best practices that will be followed

- Attentive Energy's Fisheries Communication Plan provides an overview of Attentive Energy's overall approach to offshore wind development and consideration of fisheries resources. The principles of the FCP have been adopted for the Attentive Energy Project and the plan itself can be found here: ATT-FSH-COM-PLN-ATT-000001_2_IFU_20220823_Attentive-Energy-FisheriesCommunication-Plan.pdf (attentiveenergy.com)
- To achieve the objective of cooperation, Attentive Energy has been and will continue to follow industry best practices, including, but not limited to:
  - [redacted]
  - [redacted]
  - [redacted]
  - [redacted]
  - [redacted]

- [redacted]
- [redacted]
- [redacted]
- [redacted]
  - Experience gained from collaborating with the fishing industry in TotalEnergies offshore wind energy developments in other locations around the world; and
  - The application of lessons learned from other US offshore wind projects.

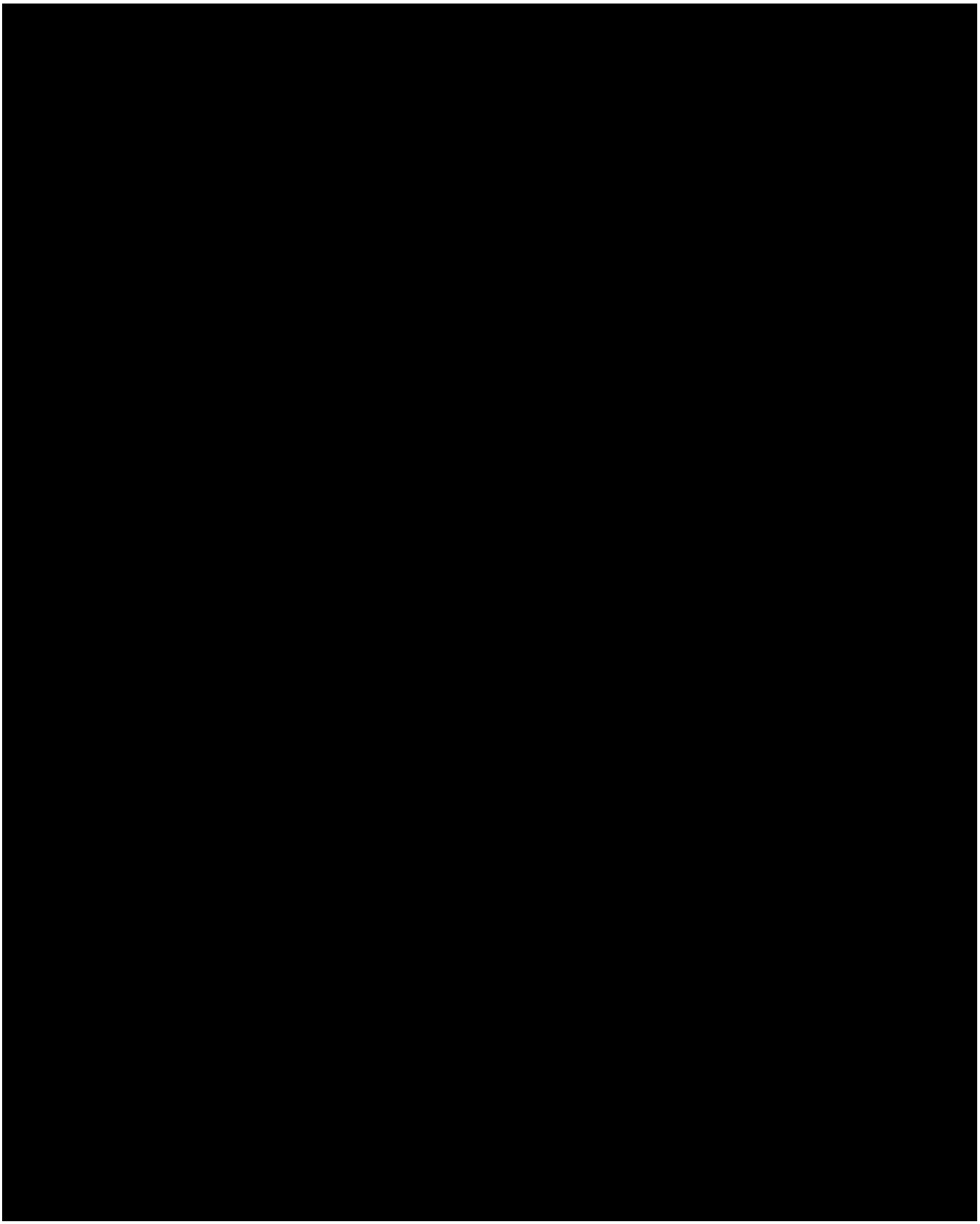
2. Communications and Collaboration Approach

2.1. Overview and communication plan objectives

- Attentive Energy will seek methods and processes to allow for a two-way flow of information between key stakeholders and developers and will highlight how feedback informs our decision-making.
- Attentive Energy will provide updates to the fishing industry stakeholders in an appropriate manner that is easily accessed and widely distributed.
- Attentive Energy will seek collaboration with the fishing industry to use technical applications to enhance communication and coordination for all on-water activities.

- The objectives of the Attentive Energy Fisheries Communication Plan are as follows: •
    - Safety: Identify safety concerns and improve safety for commercial and recreational fishermen who use and transit through and fish within the wind farm area and along the cable route to shore.
    - Awareness: Enhance awareness of the Project and the BOEM offshore wind permitting process to emphasize the opportunities for engagement the recreational and commercial fisheries industries will have throughout Project planning, design, and development.
    - Collaboration: Incorporate fishing communities' experience into Attentive Energy's decision-making throughout Project planning, design, and development.
    - Science-based: Use the best available science and data to identify any conflicts with the fishing community and impacts to fisheries resources and ensure those conflicts and impacts have been wholly considered and alleviated wherever feasible.

    - Open and Accountable: Make available to the commercial and recreational fishing industries consistent and dependable communication channels throughout all Phases of the Project.
    - Proactive: Develop and present a communication strategy that minimizes conflicts and sets a process for resolving differences between the fishing communities and the Project.
- Attentive Energy's communications and engagement philosophy is rooted in three commitments:
    - Communicating frequently and proactively throughout the life of the Project (i.e., from preconstruction to decommissioning);
    - Understanding stakeholder concerns and interests; and
    - Developing actionable objectives where practical to address stakeholder concerns and interests.
- Each commitment is based on understanding a communities' needs, considering and incorporating feedback, and maintaining a responsive dialogue with stakeholder groups



[redacted]

2.3. Identification of fishing industry stakeholders

[redacted]

2.4. Participation in stakeholder and technical working groups

2.4.1 [redacted]

[redacted]

2.4.2 Communication with other New York State agencies

- Attentive Energy is committed to continuing consultation with New York State agencies throughout the development of this project, in accordance with the Agency Communications Plan for the Project (ATT-GEN-COM-PLN-ATT000001_0_IFA_20221014_Attentive-Energy-Agency-Communications-Plan.pdf (attentiveenergy.com)).
- Consultations with New York State agencies will focus on project development updates and schedules, benthic and fisheries resources, fisheries outreach and cooperation, and identifying research priorities for the state at appropriate times throughout the Project's lifecycle.
- Attentive Energy will provide a copy of the Construction and Operations Plan ("COP") to consulting State Agencies at the time it is submitted to BOEM.
- Attentive Energy will meet/engage with consulting State Agencies that request a meeting to discuss the COP and any concerns.
- The New York State agencies to be consulted include:
    - New York Department of State;
    - New York State Department of Environmental Conservation;
    - New York State Office of Parks, Recreation and Historic Preservation;
    - New York State Department of Public Service;
    - New York Office of General Services; and
    - New York State Energy Research and Development Authority.

2.4.3 Communication with other stakeholder and working groups

[redacted]

[redacted]

2.4.4 Communication and collaboration with other developers

[redacted]

[redacted]

2.5. Communication methods and tools

2.5.1 Methods by phase

[redacted]

2.5.2 Communication with vessels

[redacted]

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

3.1. Identification of scope of monitoring activities/studies

[redacted]

[redacted]

3.2. Baseline data and characterization approach

3.2.1. Existing literature and data of benthic and fisheries resources

[redacted]

[redacted]

3.2.2. Data collected of benthic and fisheries resources

[redacted]

3.3. Monitor for potential impacts during each phase

[redacted]

[redacted]

- Attentive Energy will employ the same methodology in order to identify any potential changes due to the Project (fisheries and benthic surveys).

3.4. Assess and quantify changes to fishery resources

[redacted]

3.5. Assess potential changes to commercial and recreational fishing activities

3.5.1. Current and historical usage

[redacted]

[redacted]

3.5.2. Changes in usage

[redacted]

[redacted]

3.6. Addressing data gaps

[redacted]

3.7. Data availability

[redacted]

[redacted]

4. Supporting Other Research

4.1. Support of collaborative research

[redacted]

4.2. Handing/processing requests

[redacted]

[redacted]

4.3. Proposed restrictions

- [redacted]

[redacted]

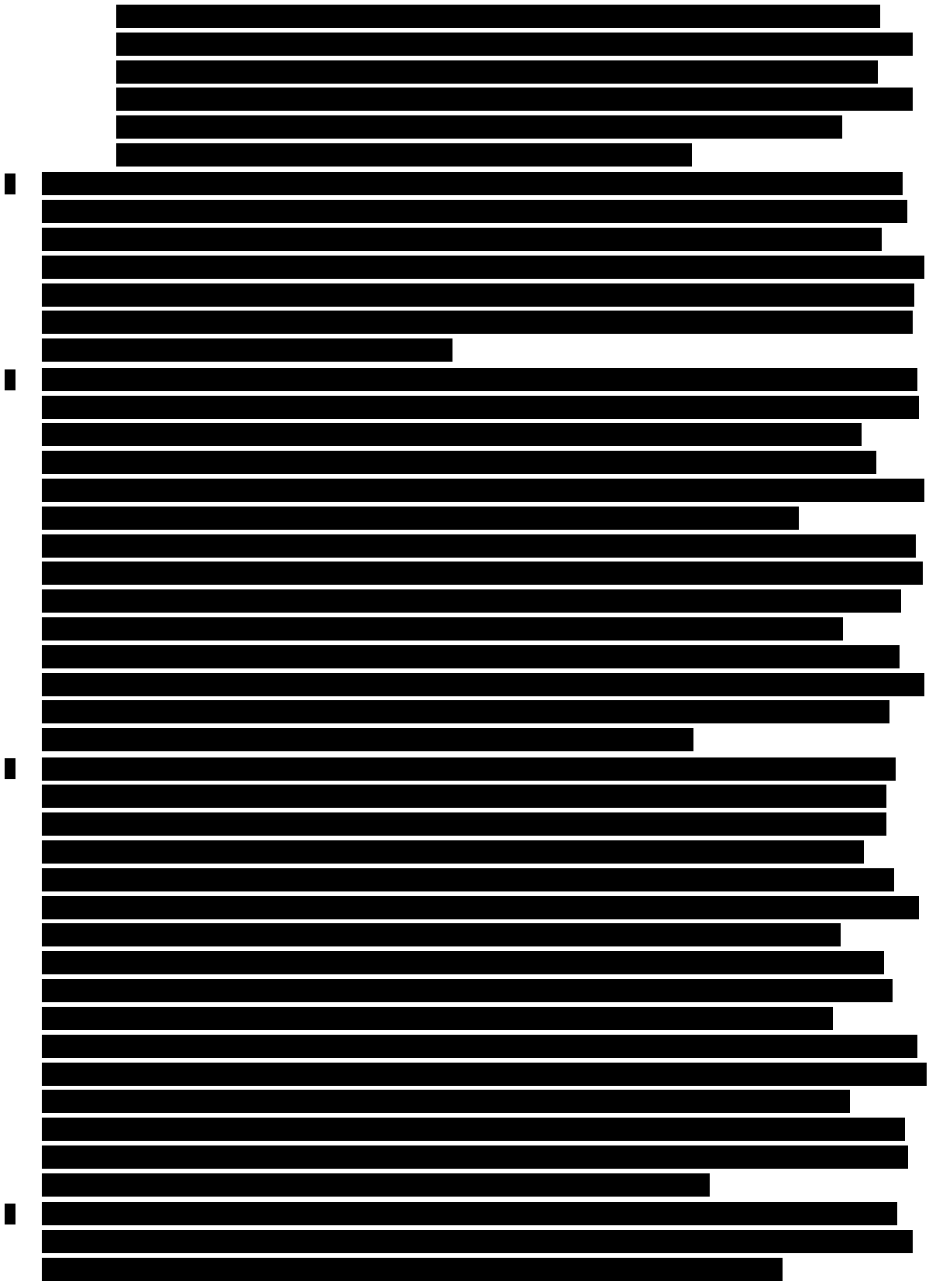
4.4. Financial commitment for third party research

[redacted]

4.5. Proposed or existing commitments/collaborations

[redacted]

[redacted]



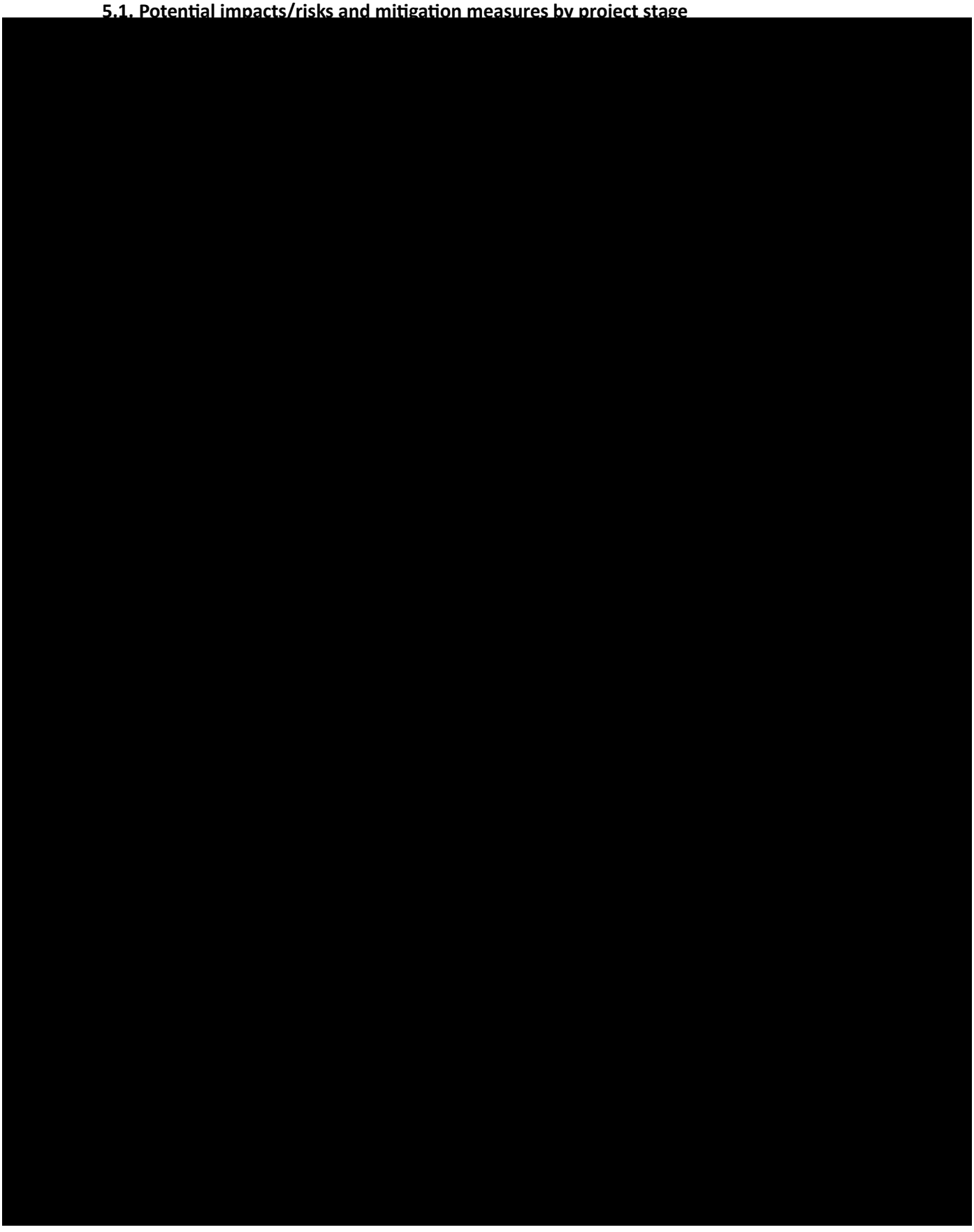
[redacted]

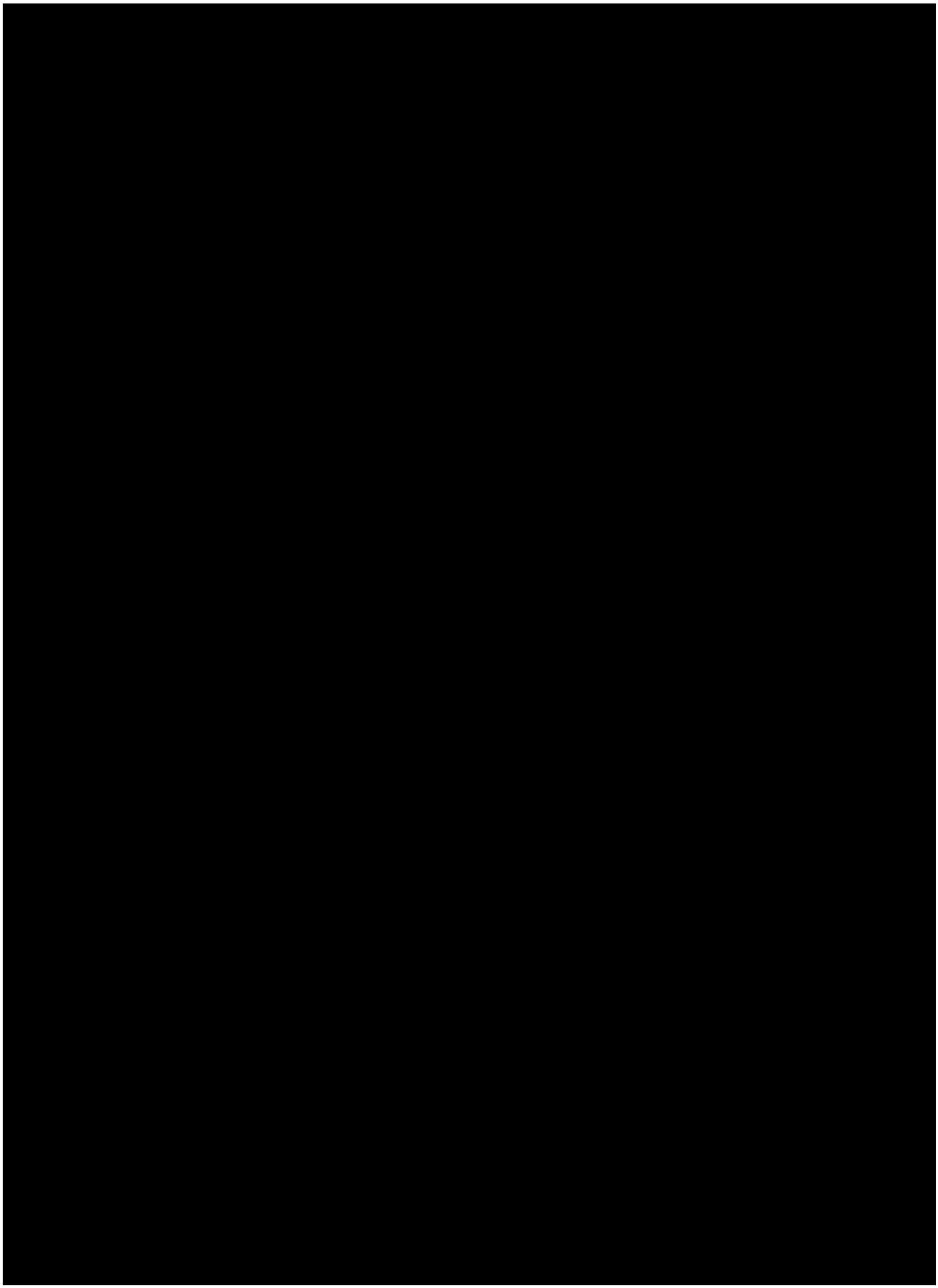
Table 3. Fisheries and Environmental Monitoring and Research Program

Fisheries and Environmental Monitoring and Research Program
[redacted]

5. Proposed Mitigation of Impacts to Benthic/Fisheries Resources

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





5.2. Coordination with F-TWG and other stakeholders

[redacted]

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

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

Table 5. Potential impacts/risks and mitigation measures to Commercial and Recreational Fishing Industry

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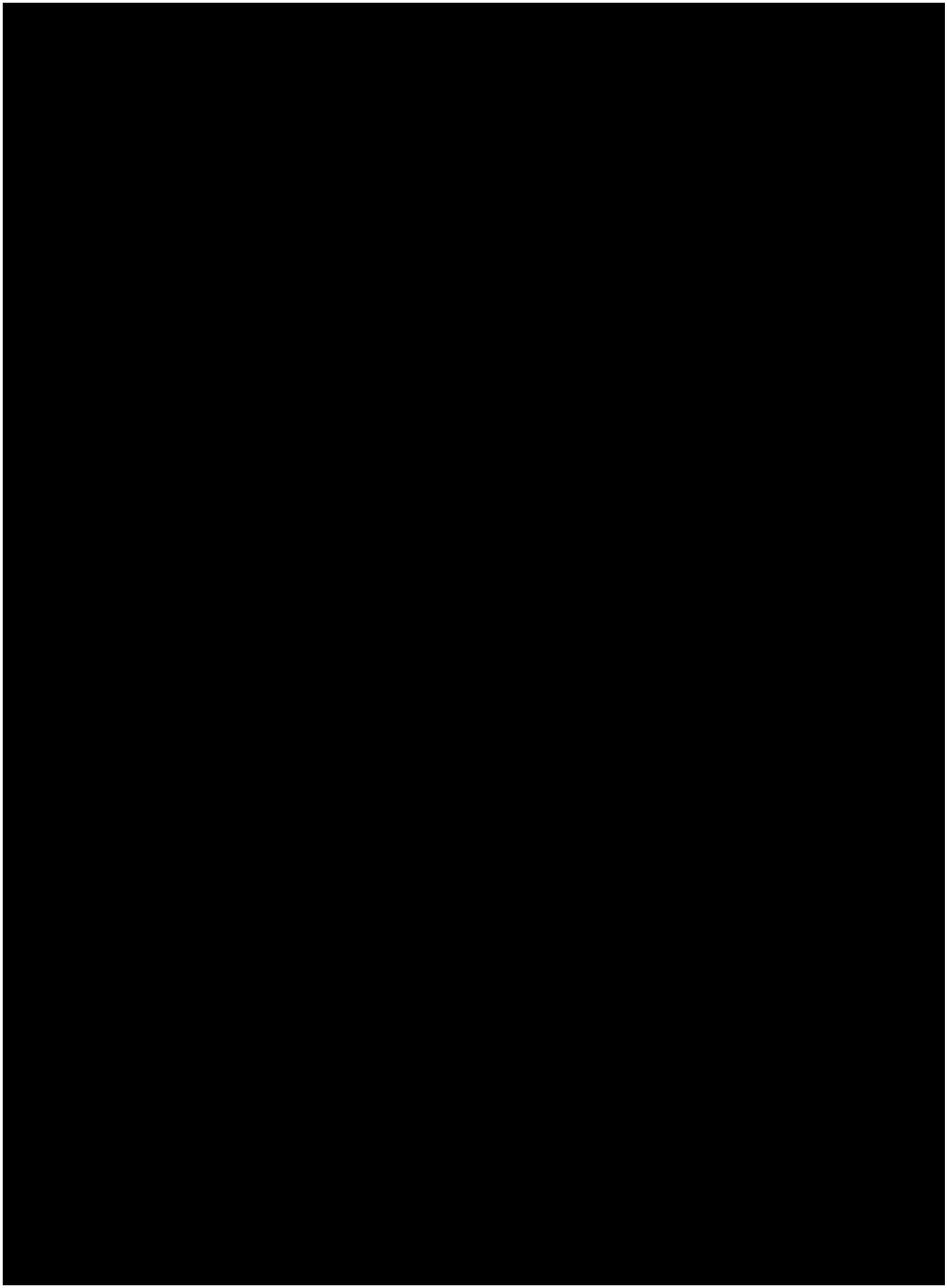

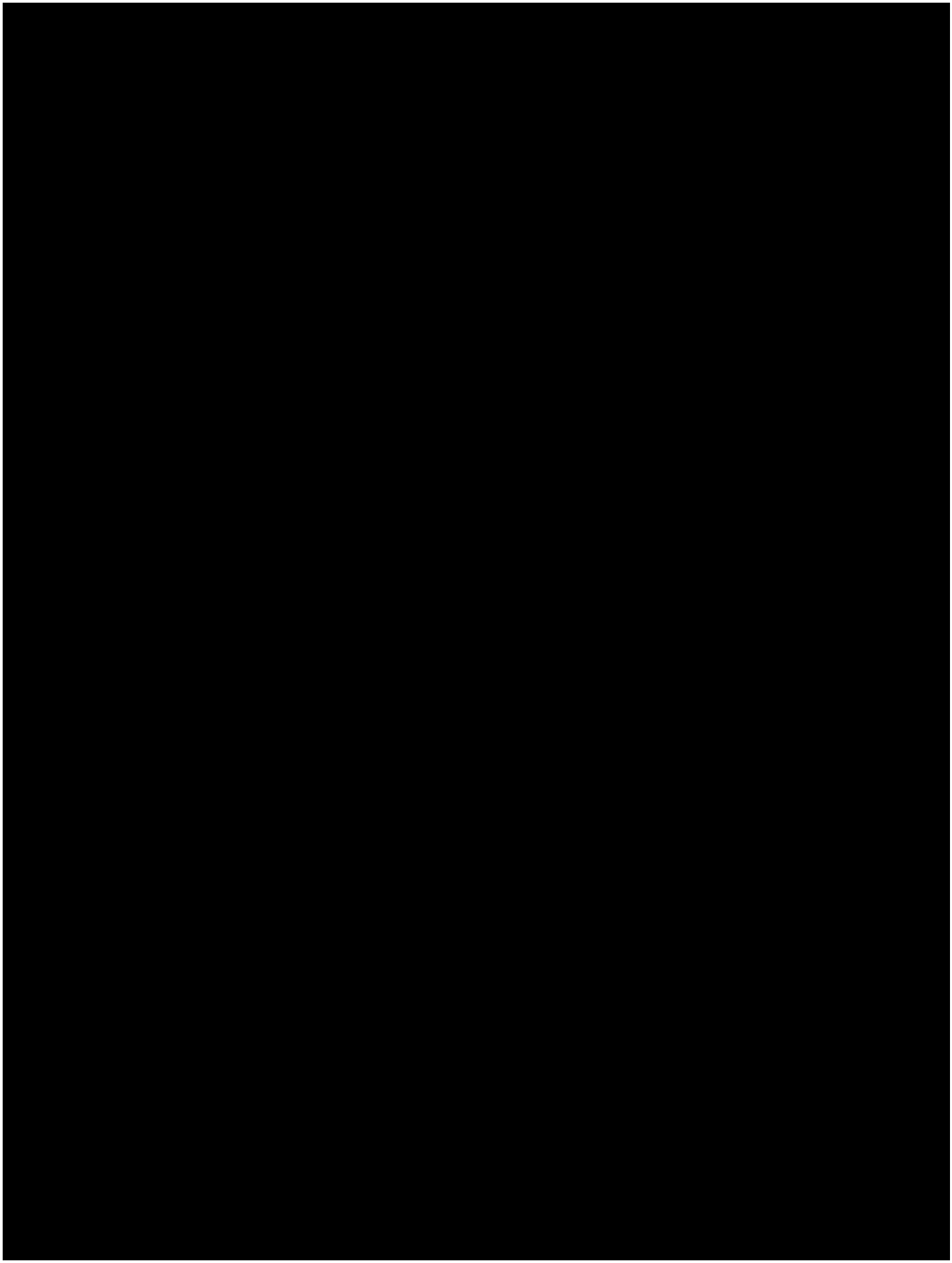

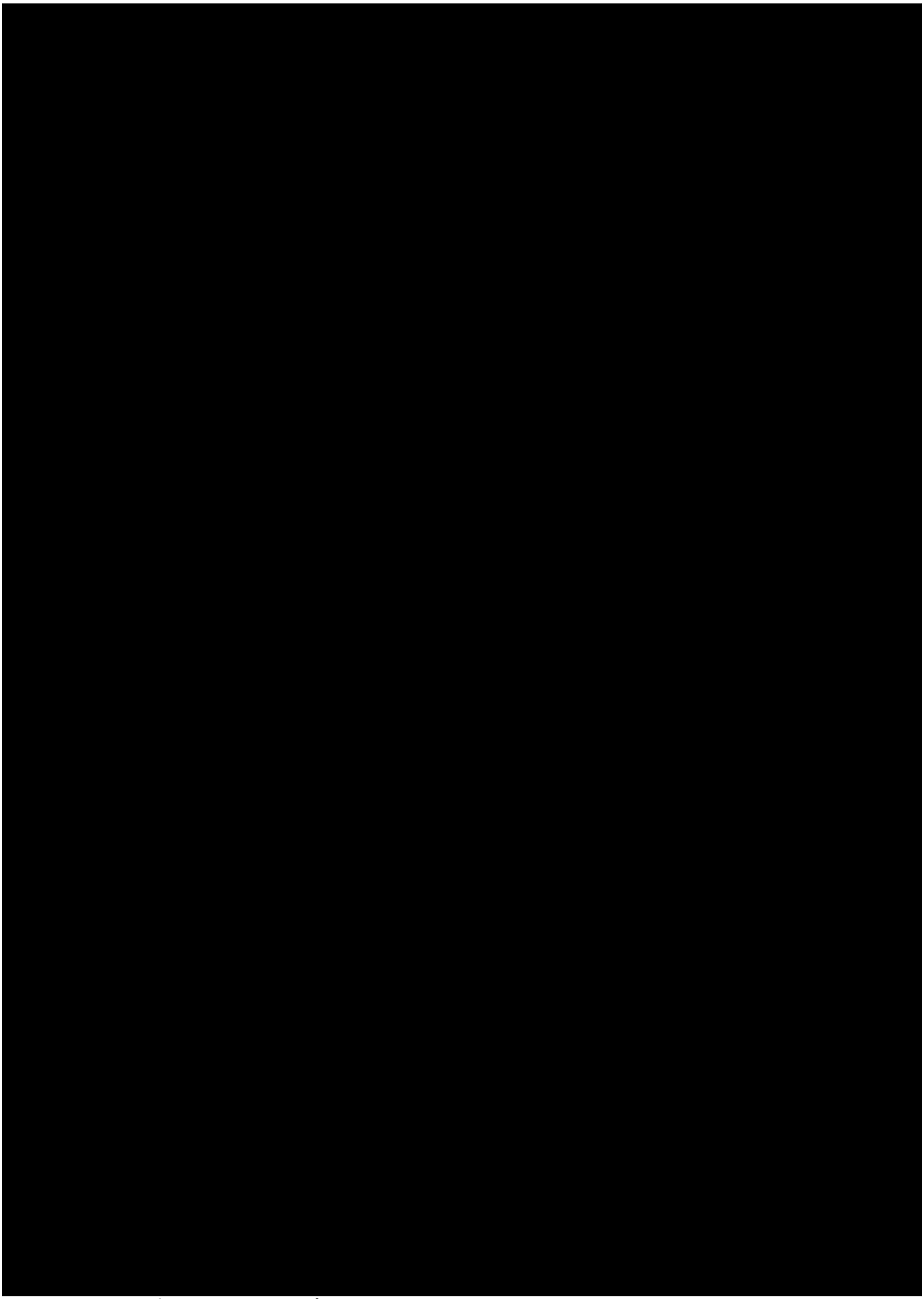

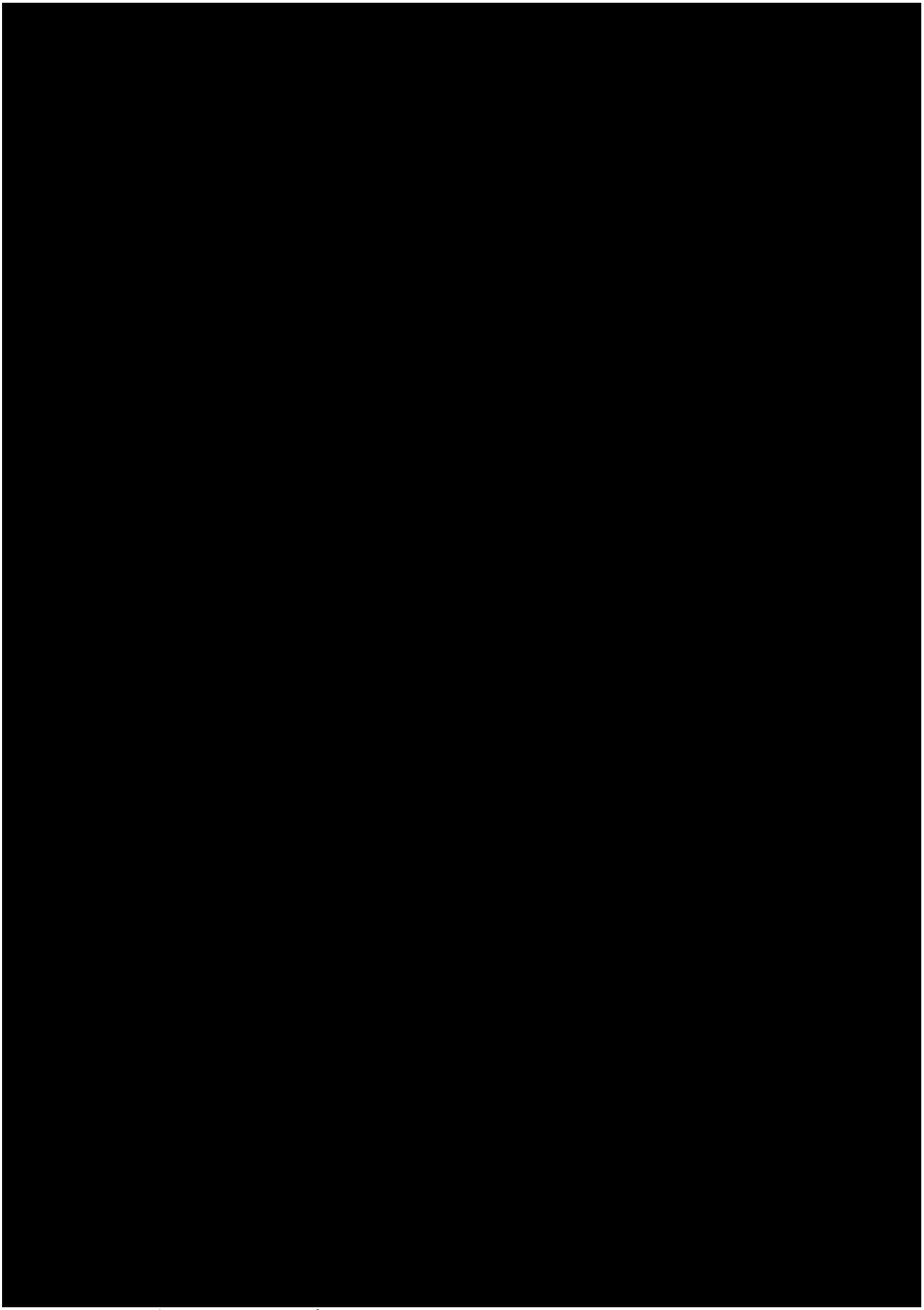

6.1.1. General approach to avoiding and mitigating fishing gear loss

[redacted]

6.1.2. Processing claims for lost fishing gear

[redacted]

[redacted]

6.2. Coordination with F-TWG and other stakeholders

[redacted]

7. Considerations for Subsea Cables

7.1. Mitigation strategies for subsea and overland cables

8. Project Decommissioning

8.1. Potential impacts based on available information and experience

[redacted]

8.2. Approach for developing plan and coordination with stakeholders

[redacted]

9. Fisheries Compensation Plan

9.1. Consideration of compensation plan

[redacted]

9.2. Approach to developing compensation plan

9.2.1 Coordination with stakeholders

[redacted]

- [redacted]
- [redacted]

9.2.2 Third-party administration

- [redacted]
- [redacted]

10. Additional Considerations

10.1. Additional mitigation strategies and FMP refinement

[redacted]

10.2. Process for updating the FMP

[redacted]

[redacted]

[redacted]