



September 9, 2024

Lisa A. Vest, Hearing Officer
Office of the Secretary
Department of Natural Resources and Environmental Control
89 Kings Highway
Dover, DE 19901

Re: Comments on Docket #2024-P-MULTI-0007-US Wind Project

Dear Ms. Vest:

The Delaware Center for the Inland Bays (the Center) submits these comments in reference to the proposed US Wind Maryland Offshore Wind Project (the project). These comments are offered in the context of DNREC's review of US Wind's application for several permits and other permissions related to this proposed project.

The Center is a 501(c)(3) nonprofit organization established in 1994 by the Delaware General Assembly and then-Governor Thomas R. Carper to protect, preserve and restore Delaware's Inland Bays. The Inland Bays were designated an estuary of national significance by Congress in 1987 and, as such, are part of the National Estuary Program under the U.S. Environmental Protection Agency (EPA).

The Center's interest in this project:

The Center has considerable interest in US Wind's offshore wind project—in part because of its role in reducing greenhouse gas (GHG) emissions and its direct impact on our estuary of national significance.

Climate Change --

Delaware's Inland Bays face an existential threat from a variety of climate change-related impacts: rising sea levels, increasing atmospheric and water temperatures, alterations in precipitation patterns, and a host of related impacts on the Inland Bays watershed's living resources—including humans. Most of these climate impacts are a result of human activities, including the production of carbon dioxide through the burning of fossil fuels to generate electricity, power our industries and meet our transportation needs.

If fully built, this project's 121 wind turbine generators would produce up to two gigawatts (GW) of electrical power, enough to supply between 1.5 and 1.75 million homes. According to US Wind, these turbines would offset about 139 tons of carbon dioxide emissions each year from the electric power sector.

The Center supports a rapid reduction and a near-term net elimination of greenhouse gas (GHG) emissions through the deployment of renewable energy—like wind and solar—and the variety of other clean energy and GHG emission-reduction options.

Direct Impacts on the Estuary --

US Wind proposes to connect this offshore power to the onshore electric grid via up to four cables that would run for about ten miles through the Indian River Bay, one of three Delaware Inland Bays.

US Wind proposes to bury these cables beneath the sediments at the bottom of the Indian River Bay. The process of bringing these cables to the grid interconnection at the Indian River Generating Plant will have impacts on bottom sediments, wetlands, upland habitats and water quality—and on bottom-dwelling and aquatic as well as terrestrial life.

US Wind proposes several technologies and strategies to reduce or eliminate many of those impacts, including the use of:

- jet plows, horizontal directional drilling (HDD) and gravity cells to bury cables to protect wildlife and avoid potential damage to the cables from boat traffic, anchoring, dredging and other activities;
- time-of-year restrictions to avoid chemical, physical and biological impacts during critical mating, spawning and nesting seasons;
- cable routes that avoid particularly sensitive habitats;
- previously disturbed lands for land-based cable activities and structures, like HDD operations and transition vaults;
- buffers around wetland areas;
- monitoring and surveys to assess potential construction and operational impacts such as sediment suspension/turbidity, electromagnetic fields (EMF), wildlife disruption;
- appropriate cable shielding and burying depths to minimize EMF impacts;
- restricted time of day and down-shielding of lighting fixtures to minimize disruption to birds, bats and insects near construction facilities; and
- cable installations during periods of high water in the shallower portions of the Indian River Bay to minimize dredging to accommodate the cable barge.

The Center supports these US Wind commitments to minimize adverse impacts associated with the installation and operations of the onshore wind power cables.

Specific Center comments on DNREC Wetlands and Subaqueous Lands Permit and Lease, Coastal Construction and Water Quality Certification Request (as revised in March 2024):

- **Turbidity monitoring (pp. 1-27, 2-26):** The Center recommends that DNREC permits specify post-installation turbidity monitoring for a period of four weeks to confirm modeled predictions of short-term and insignificant impacts as outlined in Appendix H8. US Wind proposes to prepare a Turbidity Monitoring Plan (p. 2-27) for dredging and cable installation operations for submittal to BOEM, DNREC, and USACE. The Center requests that it be given an opportunity to review and comment on that plan.
- **Drilling fluid characterization (pp. 1-27, 4-26):** The Center recommends a complete and public disclosure of drilling fluid constituents, if any, beyond those mentioned in the US Wind narrative (bentonite, clay and water) and any risks posed by such constituents, if present.
- **Wetland buffers (1-29):** US Wind asserts it will “establish and maintain buffers around wetlands, implement BMPs to minimize erosion and control sediments and maintain natural surface drainage patterns, **as practicable.**” (emphasis added). The Center recommends that these protections be mandatory. The Center is also concerned about the potential impact of channel deepening in the Indian River as increased water depths could enhance the rate of erosion of fringing wetlands. The Center recommends that US Wind assess the impact of channel deepening in the Indian River on fringing wetlands during and for five years after construction to establish the level of that impact.
- **EMF impacts on electrosensitive marine organisms (pp. 1-36, 4-47):** US Wind admits that the potential impacts of EMF on benthic invertebrates are understudied. The company also asserts that impacts to benthic resources are expected to be negligible. The Center recommends that DNREC require on-going monitoring of EMF levels and organism response in the Indian River Bay to confirm these assertions, to add to the EMF marine organism impacts database, and to allay public concerns over EMF risks. The Center also recommends that the minimum burial depth be at least six feet in areas other than maintained navigation channels where the burial depth will be a minimum of six feet.
- **Beneficial reuse of dredged material (pp. 2-21 – 2-23):** US Wind proposes a maximum of 73,676 cubic yards of dredging will be required as part of the cable installation in the Indian River Bay. The company proposes to pipe the dredged material to a dewatering staging area at the US Wind Substations with subsequent transport of the material to a landfill. The Center recommends that the dredged material instead be used beneficially to support ecosystem restoration (e.g., salt marsh restoration) in the vicinity of the dredging activities. During the period preceding the commencement of cable installation, the Center proposes to work with US Wind and DNREC to identify a suitable beneficial reuse location.

Conclusion:

US Wind asserts that “[T]here will be no permanent impacts to Indian River Bay resulting from the installation of the Onshore Export Cables. All impacts are expected to be temporary and negligible.” (p. 4-44).

As the entity vested with responsibility under the National Estuary Program and Delaware law to care for the Delaware Inland Bays, the Delaware Center for the Inland Bays urges DNREC—as a partner to the Comprehensive Conservation and Management Plan (CCMP) for the Delaware Bays—to ensure to the maximum extent possible that impacts associated with US Wind’s proposed project are, as promised, “temporary and negligible.”

While there is justifiable urgency—which the Center embraces—to deploy our renewable energy resources as quickly as possible to avoid the worst consequences of climate change, that does not absolve us from a responsibility to pursue this course prudently and with utmost care for our critical coastal resources. We ask that the permits, leases and other DNREC permissions granted in response to US Wind’s applications reflect these twin urgencies: care for the critical economic and environmental value represented by the Inland Bays and the need to reduce greenhouse gas emissions as rapidly as possible.