30041 Seagull Way
Bethany Beach, DE 19930

Lisa Vest
DNREC Office of the Secretary
89 Kings Highway
Dover, DE 19901

July 10, 2024

Re: Maryland Offshore Wind Project, DNREC Wetlands and Subaqueous Lands Permit and Lease, Coastal Construction and Water Quality Certification Request

To Whom It May Concern:

My family and I have a home in Bethany Beach, Delaware. We love southern Delaware, the water, and the beach. And I love the state. I write in opposition to US Wind's application for permission to install cabling across state-regulated wetlands and subaqueous lands in connection with offshore windfarms. Those windfarms are under leases with the federal government and through the state of Maryland, not with the state of Delaware. This application may be the state of Delaware's only opportunity to negotiate with US Wind – the only moment where the state has any authority to ensure that this development works for the people of Delaware and, critically, its environment. As is, the project threatens the ecosystem of the Atlantic Ocean and Indian River Bay near Bethany Beach. It will impact the beauty and integrity of the Delaware coastline. And it will put at risk multiple endangered, vulnerable, and threatened species — with little benefit to the state of Delaware. The application should be denied.

The role of the Delaware Department of Natural Resources, among other things, is to ensure that the shoreline of the Atlantic Ocean and Delaware Bay are preserved. 7 Del. C. 1953, § 6801. Delaware Code makes clear that this authority includes protecting our shorelines against beach erosion and our views from the beach itself. That makes sense: the Atlantic Ocean and their beaches are one of southern Delaware's greatest, and most treasured, resources. They are a source of pride for the state, of tourism for the economy, and a reason that many people, like me, spend so much time at the shore.

I am not opposed to wind energy, and I am not opposed to offshore wind. But I am opposed to US Wind's application for at least four reasons.

First, U.S. Wind does not meet its heavy burden of showing that this construction – and the permanent placement of cabling – will not impact the state's shorelines, wildlife, and more. This project contemplates the industrialization of thousands of acres of ocean and bay bottom that will be dug up and buried in various kinds of construction materials – over 60 miles of cabling, which will be hard, if not impossible to see or monitor from land, boat, or above the waterline.

U.S. Wind's application is filled with page after page of equivocation about what they might do to prevent problems. They will use this technology or that mitigation approach "to the greatest extent

practicable" or "as possible." (*See, e.g.,* DNREC Permit Application, at 1-30, 1-31, 4-2, 4-46, 4-49, 4-63, 4-69, 4-87, 4-140.) I count over 100 such caveats in their application. This is careful lawyering, but it should not give the Department confidence in the company: There can be no guarantee that U.S. Wind will do what it should; it admits as much.

Nor should the Department take comfort in U.S. Wind's suggestion that it will "monitor" the construction and project – without any real specifics – across over 61 miles of cable. That is a monumental amount of work, and U.S. Wind does not provide any detail on how they will accomplish that task, especially when almost all monitoring would have to occur underwater.

In short, it is hard to say what U.S. Wind will or will not do with any certainty given the equivocation. U.S. Wind should be held more accountable if the state is going to grant this extraordinary application that has the potential to impact the shore for decades, if not centuries, to come.

That is especially true given the stakes: ***Our shoreline, the beauty of our waterways, and the health and safety of local (and migratory) wildlife are threatened by this project.***

U.S. Wind admits this reality. They admit that the project might affect hard bottom habitats. (Application at 4-46 ("[T]he Project has been sited to avoid known hard bottom habitats to the extent possible" despite that the construction will impact thousands of acres and miles of ocean and bay floor that are unknown).) They admit – repeatedly – that the project will increase turbidity and suspended sediment in the water. (App. at 4-63, 4-66.) They admit that this turbidity will impact gilledfish, fish eggs, and demersal fish (App. at 4-63), and only answer that "most" but not all "fish would seek food and shelter outside of the Project area" and that they will use various mitigation techniques "where feasible" across 60 miles of ocean floor. (App at 1-31). They admit that construction lighting might attract and impact fish and other wildlife – an issue that they admit is not well studied (App. at 4-64) – and which they suggest they'll only try to address "as feasible." (App. at 1-36.). They admit that they may have problems with engine emissions (App. at 4-95), and that they will discharge fuel on maintenance vessel trips (App at 4-68). They admit that their vehicles may "strike" and kill "individual wildlife," but suggest that this is fine because "most mobile species would be expected to temporarily relocate." (App. at 4-94.). In other words, U.S. Wind repeatedly admits that it is up to wildlife to figure out what to do – and U.S. Wind will only do what it deems "feasible" to avoid any impact.

This problem reaches its peak when U.S. Wind discusses the threat that this project poses to birds in their application. They spend several pages cataloging the various migratory and coastal bird families whose habitats will be impacted by this project. (App. at 4-94-98.) ***That list includes eleven different birds that have been classified as vulnerable, three that are endangered, and two that are considered threatened with extinction.*** Just by way of example, one of those rare, threatened species – the red knot – uses the Delaware Bay as the "most important spring migration stopover in the eastern United States," with up to "***90 percent of the entire red knot population***… present in Delaware Bay in a single day." (App. at 4-123) (emphasis added). This is a bird that is in danger of disappearing from the planet, as are others that are caught up in the project, and this watershed very much matters to its survival. Yet, U.S. Wind admits that the construction and

cabling might cause "habitat alteration" and "loss" (App at 4-94, 4-105) for these and other birds – not to mention impact their food source, like horseshoe crab eggs in the Indian River Bay.

In the face of this potential devastation – to vulnerable, threatened, and endangered species – one would expect U.S. Wind to commission studies, or put forth expert testimony, explaining how and why the project will avoid real risk to the environment. They do not. Instead, in three mere sentences, U.S. Wind concludes that "overall risk to marine birds" is "considered to be minor." (App. at 4-103.) They provide ***no*** support for this statement. They offer ***no*** studies. They cite ***no*** documents. They offer ***no*** precedent. They offer ***no*** specifics. None. Instead, they use the passive voice, not even saying who "consider[s]" this outcome to be likely, as if their word were sufficient in the face of repeated admissions that they'll only do what they can, where "practical," to help mitigate impacts that they admit will happen.

The Department should find no solace in many of U.S. Wind's mitigation plans either: to schedule construction during certain times of the year or perhaps times of day. Those schedules might help. But they are insufficient. U.S. Wind is turning the Delaware shore and Indian River Bay into an industrial construction site. Once thousands of acres of the ocean and bay bottoms are torn up, they are not going to quickly rebound to pre-construction conditions a month or quarter later. They will remain what they are: construction sites. And, in the process, wildlife will die. Food chains will change – and impact critically endangered species. The shoreline will feature more turbid water, with more sediment, at vacation times.

U.S. Wind has no answer to this reality. Instead, they merely suggest that threatened specifies could move along because "suitable habitat is present elsewhere." (App. at 4-121.) That might be okay if this project impacted an acre or two, but it doesn't. It is huge, encompassing miles of cabling, thousands of acres of construction, much of which will go unmonitored.

Second, these problems are exacerbated given the inexperience of U.S. Wind. A quick review of their public-facing website reveals that U.S. Wind has ***never*** built an offshore wind farm. They have ***never*** done this sort of construction. They have ***never*** developed plans to mitigate the risk to this many endangered and threatened species. They have ***never*** done the work to ensure that vacation shorelines and natural habitats are protected. In fact, U.S. Wind did not exist before 2011. If there's a problem, U.S. Wind will not have the experience to address them. And if those problems are big, U.S. Wind may be judgment proof. With no other business operations, they surely do not have capital to make the people of Delaware whole for any problems they cause, and their majority owners (Renexia SpA) are Italian, and thus may not be subject to jurisdiction in the United States or Delaware.

Third, U.S. Wind's windfarm will devastate the viewshed from the shores of Lewes, Rehoboth Beach, Bethany Beach, and Fenwick Island. Hundreds of wind turbines will dot the horizon, with blinking lights that will affect beautiful ocean views at sunrise, at night, and of course during the day. That is a real cost – even if hard to measure – and the beauty of those views and open space deserve to be protected. In fact, in other parts of the country, local government purchases properties to preserve open views, and save the beauty of nature from development and industrialization for future generations. *See, e.g.,* Sonoma County Agricultural Preservation & Open Space District, available at https://www.sonomaopenspace.org/. The people of Delaware

have no such vehicle for preserving views – at least looking out to the ocean. And this application may be the state's only opportunity to preserve unblemished views of the horizon from the shores of Delaware.

I understand that U.S. Wind may take the position that the appropriateness of the wind farm itself, or its impact on viewsheds, is not to be litigated here. But that doesn't account for the reality that this application is part of the broader wind farm project. If the wind farm were further distant from shore – and thus out of the viewshed – the application itself would look different, and contemplate more extensive cabling. It is thus within the Department's purview to review how far out to sea the project might be constructed. And because the Department's purpose is to prosecute the beauty of the Delaware shoreline, this application squarely should contemplate the project as a whole.

In that regard, the application leaves us with more questions than answers: why does the windfarm need to be situated so close to shore? Why do the turbines need to be so tall? Is there a way to ensure that the turbine's lights are not visible from shore? How will the turbines themselves affect marine and other marine life? Boating?

This application does not address any of those questions, and thus is inadequate on its face.

Finally, I oppose this permitting application because it is Delaware's best – perhaps only – chance to impact a program designed to benefit Maryland, with most of the downside falling on the people of the First State. Again, U.S. Wind's public-facing website tells the story. They repeatedly talk about how the project will power "Maryland homes" and help meet "Maryland's renewable energy goal." The project, U.S. Wind argues, will support "Maryland jobs," as they'll invest in "Maryland ports" to "boost Maryland's economy." U.S. Wind, available at https://uswindinc.com/.

What's in it for Delaware? U.S. Wind does not say a word. That's because it is all downside: dramatically altered views that are likely to undermine southern Delaware's tourism-based economy. Thousands of acres of underwater construction that will impact the environment, watershed, endangered species, and more with insufficient (to no) studies showing the impact of the project on each.

If this project is to benefit Maryland, then the cabling should come ashore in that state. This is Delaware's chance to get a say. And that answer should be no.

Respectfully,

David Dempsey

William Yancy Brown
Chief Environmental Officer
Bureau of Ocean Energy Management

30041 Seagull Way
Bethany Beach, DE 19930
July 8, 2022

Dear Mr. Brown,

I write to you as a concerned Delaware resident about the development of several wind farms off the coast of Ocean City, Maryland and Southern Delaware. While, in theory, wind farms may be a good idea — clean energy, from a renewable source, at a time of climate crisis — their development in general, and these projects in particular, must always account for their many downsides, including impacts on the Delaware environment, Delaware property values, the beauty and integrity of the Delaware coastline, and the health of its residents.

This project does not do so. I'm asking for the Bureau of Ocean Energy Management's help to ensure that this project accounts for environmental, commercial, and citizen concerns — or to stop the project if U.S. Wind and Ørsted are unwilling to do so.

I attended a public hearing on July 7, 2022 at which U.S. Wind and Ørsted, the developers for these wind energy projects, explained their plans. Neither had answers — let alone good ones — for the many problems with the proposal, or explanations about why alternatives might be infeasible, financially or otherwise. There may be a path forward for these projects, but the one that we heard from the developers doesn't make sense.

Visual Blight. The BOEM should account for the projects' impact on views from the shore – especially since these coastal communities rely on tourism to drive their economy.

It is at best unclear if the hundreds of wind turbines that the developers intend to build will create a visual blight on the southern shores of Delaware and Maryland. They likely will. The 800+ foot tall turbines are visible from the beach in the pictures that U.S. Wind provided during yesterday's meeting. And they're even more visible in those posted on the BOEM website. It's unclear if U.S. Wind intended to mislead the public in yesterday's hearing, by sharing different pictures. But the BOEM has the right – and the obligation – to ensure that the developers provide accurate and consistent visibility projections that are subject to public review and comment.

This problem is exacerbated by the navigational lights that the developers will likely be required to place on these towers. Neither U.S. Wind nor Ørsted could specify how many lights would be included, where they'd be located, how visible they'd be (or from where), whether they'll be on all-day and all-night, and on and on. They didn't get basic facts straight. At first, U.S. Wind and Ørsted representatives said that there would be no lights, and then changed course when reminded that there are lights on the Block Island turbines. Again, the public is owed these answers, in order to provide meaningful notice and comment. And the BEOM must consider impact of these lights on visibility (from the shore) and on wildlife in deciding whether to approve the project.

This is an important moment for southern Delaware – for us, and for future generations. In other parts of the country (Sonoma County, California, for example), public and private ventures have bought open space to preserve vistas for the community. Here, we're contemplating the opposite: allowing a private, for-profit venture to destroy a view for decades, if not longer. Neither developer would answer direct – and commonsense – questions about whether building the wind farms farther east, or building shorter turbines (as on Block Island), might alleviate any of these concerns – likely because doing so would be more expensive for them. That's a cost that U.S. Wind and Ørsted ought to bear, not shore communities that rely on tourism to bolster their economy.

Impact to Wildlife. The BOEM must also evaluate whether and how the location of this project will impact wildlife. Turbines are dangerous, and lights are an attractive nuisance for birds, fish, and other animals. The wind farm will almost certainly lead to the death of birds and other wildlife, and it will impact the surrounding environment. The only question is the extent of that harm – and at what cost would these problems be avoided. To that end, several members of the public pressed whether the turbines were in the path of migratory birds. U.S. Wind and Ørsted said no. A study – and certainty – is needed to support a project with a 30+ year lifespan, which might impact wildlife in the area.

Noise. The BOEM should also ensure that the turbines will not be heard from the shore. You can hear boats from miles away on the open ocean, and planes from similar distances. It's unclear from where the public will be able to hear the whine of hundreds of turbines, spinning in the wind, from a short distance away. Is 10 miles far enough offshore to avoid noise pollution? What about with an onshore wind? Would farther be better? The developers did not answer direct questions on this count during the July 7 presentation, and must in order to garner approval here.

On-shoring in Delaware. Nor did U.S. Wind or Ørsted explain the best approach for landfall for the project, or how new substations (which are unsightly, loud, and don't make good neighbors) and transmission lines might impact the coastal community. These wind farms were originally put forward by the state of Maryland, and transmission lines should come onshore there, too. Instead, Ocean City has resisted additional substations and transmission and distribution lines coming onshore in Maryland. Why should Delaware residents, who have the same concerns, bear the brunt of this new development?

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Ultimately, one of the problems with energy policy in the United States has been that the costs of so many externalities from power plants – especially carbon and other pollution – are not borne by power producers. ***This project, as currently contemplated, has the same problem***: it is almost certain to create visual blight, noise pollution, and impact the ocean and wildlife. Neither U.S. Wind nor Ørsted are in line to bear those costs: the coastal communities of Delaware and Maryland are, and that's not right.

Instead, those costs should be shifted back to for-profit developers – by looking at alternatives farther out to sea, or with shorter turbines, so that these wind farms will be neither seen nor heard

from shore, and to ensure that wildlife and coastal environments are protected. If addressing these problems requires U.S. Wind and Ørsted to run longer transmission lines, or deal with deeper ocean waters, so be it. That's the cost of avoiding these problems. It's the developers' cost to bear – and not one that our community or children should shoulder.

In short, the BOEM should not – and cannot – approve any of these proposals as drafted.

Thank you for your time and consideration.

Sincerely,

David Dempsey