

Public Hearing Comments

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

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Organization: The Nature Conservancy

Comments:

The Nature Conservancy (TNC) supports the rapid and sustainable development of offshore wind projects that avoid potential impacts to habitat and species through the use of the best data available, mitigation strategies, and engagement with key stakeholders. Climate change is an existential threat to Delaware's coastal environments and statewide. We need to shift as quickly as possible away from fossil fuels as a fuel for power generation and other purposes. We also recognize the First State needs offshore wind to meet the renewable energy goals set forth in House Bill 99. Nonetheless, we need to ensure offshore wind development takes place in a way that minimizes or mitigates adverse impacts on our coastal environments. Offshore wind investments can spur vital wildlife data collection and habitat restoration in coastal areas and reduce any impacts on marine life habitats through a nature-based design and mitigation approach. TNC values DNREC's recognition of the Indian River Bay area as worthy of protection and conservation via the state park system and we were pleased to help build the 3Rs footprint in our 1992 land acquisition partnership. TNC has reviewed the project documents and appreciates:

- The use of horizontal drilling given that little actual drilling will need to take place on the surface and so reduce much of any potential disruptions of wildlife. Horizontal drilling is a well-accepted approach and has been successfully used in other offshore wind projects.
- The burying of the applicable cables 40 – 60 feet deep to avoid environmental impacts and potential exposures over time.
- The recognition of the need to minimize disruptions on local habitats and species including the dredging plans largely steering clear of designated sensitive areas.

TNC has the following feedback for consideration:

- Bury cables across the Indian River Bay by at least 7 feet. The current proposal generally contemplates 3 – 6 feet but given the level of boat traffic and anchoring in the bay, potential for sediment movement, increasing storms and subsequent impacts on tides, TNC believes the permit should require a consistent 7 feet.
- Require some beneficial use of dredged materials. The current permit application calls for the dumping and drying of dredge materials. It states that sufficient information to support beneficial use was "not available" (2024 US Wind Wetlands and Subaqueous Land Permits Application) but offers little additional insights. The US Army Corp of Engineers and DNREC have recognized the importance of the beneficial use of dredge materials for wetland and marsh habitat creation and restoration, including the Indian River Near Millsboro Beneficial Use Dredging Project. DNREC states on the Indian River project webpage "Traditional land disposal of dredged material is difficult to plan and maintain." The beneficial use of dredged materials, if timed and coordinated appropriately, can reduce the cost and speed up the completion of coastal restoration. TNC believes that beneficial use should be explored further, US Wind should be required to provide additional insight into what information it saw as missing to not make a beneficial use determination, and that beneficial use strategies become part of the project wherever possible.
- Minimize noise and lights during construction, including mechanisms to revisit issues that may arise as construction proceeds. Construction noise and lights have the potential to disrupts both natural and human communities. While the application does contemplate strategies to reduce such issues, it is important to build enough flexibility into the permit to respond to emerging issues if the noise and lights appear to be having negative impacts on wildlife or humans

around the construction areas. • Require specific data collection, including species level data, in the mitigation strategies. TNC recognizes that the offshore wind permitting process is extensive (an estimated 60 permits may be required for each offshore wind project between federal, state, and local authorities). At the same time, offshore wind construction and its species impacts are an evolving science and the best way to better mitigate species and habitat impacts is to require detailed reports of any potential causes. Thank you for your consideration of these regulatory comments. Sincerely, Emily Knearl Delaware Gov't Relations and Ex Affairs Coordinator The Nature Conservancy in Delaware