


The Voices of

Protect Our Coast - DE

FB group @ProtectOurCoast-De Group Admin Group members Change.Org Petition Signers	Delaware Residents and paying visitors LOCATING ADDRESS FB Protect Our Coast - DE	
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To: DNREC Joint Permitting Hearing: US Wind Project Docket #2024-P-MULTI-0007

CC: Governor of Delaware – John Carney, Sen. Stephanie Hansen, Sen. Russell Huxtable, & Committee Members

On behalf of "Protect Our Coast - DE," the dedicated independent voices championing the rights of those who cherish the Delaware beaches, as well as the Indian River and Bay in Delaware, **we stand in critical opposition to the SB 265** and **Docket #2024-P-MULTI-0007** to authorize the DNREC State Energy Office and the Delaware Public Service Commission to work in with the Delaware Renewable Energy Task Force to solicit proposals from developers willing to build a system of offshore wind turbine electric generation facilities, transmission lines and interconnection facilities through the Delaware Seashore including 3Rs Beach.

Our 309 local Facebook group members: <https://www.facebook.com/share/16ofK13GajmYgjmW/>

Our 193 Petition signers in opposition of Docket #2024-P-MULTI-0007 on Charge.org
(<https://www.change.org/p/oppose-us-wind-project-docket-2024-p-multi-0007>)

The 15,864 Petition signers in opposition of all offshore wind on the Delaware Coastline on Change.org
(<https://www.change.org/p/protect-our-coast-delmarva-stop-offshore-wind-turbines-save-our-ocean>)

WE APOUSE ALL WIND TURBINE INDUSTRIALIZATION OFF THE DELAWARE AND MID-ATLANTIC COAST.

The sanctity of these cherished marine environments, integral to our community's fabric and the well-being of its people, must not be overshadowed by development. We demand a comprehensive re-evaluation of the project's impact, ensuring that the voices and concerns of the community are not just heard, but fully integrated into the decision-making process.

As members of Protect Our Coast - DE, we respectfully implore your office to pause all advancement processes and initiatives as part of SB 265 and others as well as PROHIBIT passage by US Wind through 3Rs beach in the tidal inland bay DNREC Docket No. BOEM-2023-0050 interconnects proposed to connect a substation on tax parcel 233-2.00-2.01 adjacent to the Indian River Power Plant. The following unprecedented safety concerns have not been comprehensively addressed:

One of the primary concerns we wish to address is the burying of (4) 275,000-volt power lines as shallow as 3 feet below the bottom of the Indian River Bay. As stated in the DEIS (Cite: US Wind DEIS Appendix C: Project Design Envelope and Maximum-Case Scenario on page C-4), these lines pose a significant risk to recreational users of the bay, as the vast majority of the area is too shallow for commercial transit, with NOAA Bathymetric hydrographic survey data indicating depths ranging from 0 to 6 feet at MLWL (Cite: <https://oceanservice.noaa.gov/facts/sounding.html>, accessed on 10/20/23).

The safety concerns arise from the fact that the proposed high-voltage cables could be as close as 2 feet below the bottom sediment of the bay, jeopardizing the well-being of swimmers, water skiers, tubers, anglers, wave-runners and all who enjoy these shallow waters. Several regulations, codes, and standards establish clearances for power lines to protect public safety and prevent contact with electrical current:

1. The National Electrical Code (NEC), Article 235 or NEC Article 225.60 which primarily focuses on lower voltage states 10 feet minimum clearance.
2. National Electrical Safety Code (NESC), see NESC Rule 234 in Section 23 - for high-voltage lines, requires installation of voltages between 169,000 volts and 300,000 volts to be 22 feet over and away from anyone coming in contact.
3. Delaware State Fire Prevention Commission (Cite: <https://regulations.delaware.gov/register/july2021/final/25%20DE%20Reg%2071%2007-01-21.pdf>, accessed on 10/20/23).

OSHA regulations, specifically 1926.960, dictate working on or near exposed energized parts (Cite: <https://www.osha.gov/laws-regs/regulations/standardnumber/1926/1926.960>, accessed on 10/20/23), and none of these regulations allow for clearances of less than 10 feet from high-voltage utility lines. Given the anticipated buried depth of 3 feet and the maximum bay/river depth of 6 feet, it is evident that the minimum required clearance for far lower classes of high-voltage utility lines is not met.

Furthermore, OSHA and NFPA 70E (Cite: <https://www.nfpa.org/-/media/Files/Code-or-topic/fact-sheets/70E2021FactSheet.ashx>, accessed on 10/20/23) require equipment not in a verified Electrically Safe Work Condition (ESWC) to be considered energized, necessitating working space regardless of which Authority Having Jurisdiction (AHJ) inspects the installation.

OSHA 1926.1408 - Power line safety (up to 350 kV)--equipment operations mandates the definition of work zones around equipment if proximity is within 20 feet (Cite: <https://www.osha.gov/laws-regs/regulations/standardnumber/1926/1926.1408>, accessed on 10/20/23). Our research and the provided references clearly indicate that no existing regulations allow for the general public to be in proximity to high-voltage utility lines within 8 feet.

It is worth noting that existing infrastructure either places utility lines high overhead or uses lower-voltage lines that can be buried safely. The proposed installation of 275,000-volt transmission lines in shallow waters is a unique and concerning situation that calls for a comprehensive reevaluation of safety standards.

We, the members of Protect our Coast - De, urgently request that you halt all permits and disallow passage through 3Rs Beach and into the tidal inland bay.

We believe that this project should be stopped to prevent any potential loss of life. Further based on omitted pertinent information. the Environmental Impact Study Should Specifically includes:

1. How US Wind plans to eliminate the risk of failed utility line insulation and how they will ensure continuous testing of the insulation to prevent deterioration.
2. How US Wind intends to keep the 275kV cables buried in shallow, shifting currents.
3. How US Wind intends to inspect the cable annually before the start of the summer's high in/on-water activities.
4. We demand that the National Fire Protection Agency (NFPA) prohibit the installation of shallow-buried 275,000-volt cables in water without requiring concrete encasement and conducting additional environmental impact studies on the larger easement required through public lands.

In addition, this permit request is in direct violation of Title 7 Conservation - Natural Resources, Chapter 70. Coastal Zone Act in the following manors:

1. Purpose - "It is further determined that offshore bulk product transfer facilities represent a significant danger of pollution to the coastal zone, therefore bulk product transfer facilities are prohibited in the coastal zone, unless approved through a conversion permit at a heavy industry use site that had a docking facility or pier for a single industrial or manufacturing facility on or before June 28, 1971."
2. Definitions - "(g) "Nonconforming use" means a use, whether of land or of a structure, which does not comply with the applicable use provisions in this chapter where such use was lawfully in existence and in active use prior to June 28, 1971."
3. Definitions - "(i) "The coastal zone" is defined as all that area of the State, whether land, water or subaqueous land between the territorial limits of Delaware in the Delaware River, Delaware Bay and Atlantic Ocean, and a line formed by certain Delaware highways and roads as follows:"
4. 7003. Uses absolutely prohibited in the coastal zone: "heavy industry uses of any kind not in operation on June 28, 1971, are prohibited in the coastal zone and no permits may be issued therefor. In addition, offshore gas, liquid or solid bulk product transfer facilities which are not in operation on June 28, 1971, are prohibited in the coastal zone, and no permit may be issued"
5. 7004. Uses allowed by permit only; nonconforming uses: "The conversion of a heavy industry use site to a bulk product transfer facility is allowed only through a conversion permit issued under § 7014 of this title. . Provided, that no permit may be granted under this chapter unless the county or municipality having jurisdiction has first approved the use in question by zoning procedures provided by law."
6. 7005. Administration of this chapter: - (1) a. Evidence of approval by the appropriate county or municipal zoning authorities; **NOT OBTAINED!**

The safety of both anglers and recreational users in the Indian River Bay is of paramount concern, and it is crucial that these concerns are heard. Not standing the clear and present violation of the Coastal Zone

Act Title 70, we demand the permit be denied. We look forward to your action on this matter.

In conclusion, we trust that under your esteemed leadership, the state will navigate this challenge with the foresight and diligence it warrants, setting a precedent for responsible and safe infrastructure development.

Sincerely,

John OSW Marks

Protect our Coast – DE

CC:

- Delaware Department of Natural Resources and Environmental Control, DNRECHearingComments@delaware.gov

- U.S. Senator – Thomas Carper

- U.S. Senator – Chris Coons

- U.S. Congresswoman - Lisa Blunt Rochester

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