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Submitted Electronically

Lisa Vest, Hearing Officer - Office of the Secretary
Dept. of Natural Resources and Environmental Control
89 Kings Highway
Dover, DE 19901-7305

**Re: 2024-P-MULTI-0007
Applications of US Wind, Inc.**

Dear Ms. West:

I would like to comment on the above-referenced applications (“Applications”) of US Wind, Inc. to construct shoreline facilities for the landing of cables to connect offshore wind power generators to the electric power grid. I have spent a good bit of time at a second home at Rehoboth Beach for more than 40 years. I listened online to the DNREC hearing on July 9, 2024. I would like to suggest one element of how the DNREC might approach the decision-making process.

I agree with most of the presenters at the hearing, who valued progress toward the generation of clean energy generally; the development of the Delaware economy; and preservation of the safety, beauty, and wildlife of the Delaware coast. It was apparent from the presentations, however, that concurrent and short-term full achievement of all those goals will be exceptionally difficult, if not impossible as a practical matter. As might be expected, the various presenters came to one conclusion or the other with respect to the merits of the Applications depending on how they prioritized the several goals that most shared.

DNREC is faced with an unusually difficult task. Your legal authority and jurisdiction are limited – DNREC has jurisdiction over only one part of US Wind’s overall project, and the factors

you are permitted to consider are narrower than simply a vote “up” or “down” based on your overall conclusions about the virtues and risks of the project. Moreover, however much general environmental experience DNREC may have, DNREC’s own experience with the specific type of construction proposed in the Applications is limited; indeed, the experience of all private and public entities is limited, because wind farm technology is so new. To top it off, the experience of even US Wind itself is limited, and in the view of some presenters, virtually non-existent.

While many of the hearing presentations were informative, their usefulness in the decision-making process is somewhat limited, because despite your admonition, many of the presenters were primarily asking for their “votes” to be counted. US Wind also has good lobbying skills, and it seemed that some of the presenters were provided with talking points by US Wind.¹

Despite the complexity and difficulty of deciding this matter, the consequences of DNREC’s decision will surely have very significant repercussions, both in the short and long term. Hopefully, the repercussions will be good, but they clearly could turn out to be bad. A critical part of the decision-making process, in my view, must be to find a way to protect the public against both anticipated *and* unanticipated adverse outcomes. While there is an argument that DNREC should approve the applications as part of our free enterprise economic system unless there are ascertainable and meaningful negative consequences, the potential risks are simply too great to give controlling weight to a free enterprise presumption.

¹ No impropriety by US Wind is implied, but sophisticated lobbying assistance can give presenters who are favor approval an advantage over those with less, if any, help who feel that the project will cause more harm than good.

I am not an expert in evaluating wind farm technology or environmental preservation; but as a lay person, I urge DNREC to be cautious and to address both expected and unexpected eventualities, the latter of which are almost certain to occur no matter how careful you may be.

I doubt that anyone knows all the answers, but I think that it would help to try to make a list of every single problem that you can think of that could possibly arise, both during and after the construction process. For each problem that has more than an infinitesimal chance of arising, specify (1) how to identify that a problem has arisen, (2) what should happen to resolve or to mitigate the problem if it does arise, and (3) who will be responsible for addressing the problem.

The Applications should not be approved unless and until US Wind and DNREC can provide elements (2) and (3) for each problem – not only the necessary remedy and but also who will be responsible for implementation and who will be responsible for the cost (maybe or maybe not the same entity).

If DNREC cannot now identify how each and every problem will be remedied and paid for, then it should resist any political and lobbying pressure and should defer approval until solutions can be found. Indeed, the exercise of enumerating problems and defining remedies could lead to the imposition of creative conditions on US Wind that could both facilitate approval and enhance the protection of the human and wildlife environments.

In the end, the goal should be to promote progress, but without kicking any cans down the road, and by carefully avoiding a future circumstance where DNREC and all of Delaware might regret what was approved. Don't say, "Don't worry, that won't happen," because what if you are wrong? Focus on what you will do when and if it does happen. Figuring out "what if" is easier than predicting "whether" and is less risky.

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What will be the best end-result remains to be discovered.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter Tannenwald", with a long horizontal flourish extending to the right.

Peter Tannenwald

cc: (by postal mail)
Laurie Jodziewicz, Senior Director of Environmental Affairs
US Wind, Inc., 401 E. Pratt St., Baltimore, MD 21202-3117