



DNREC Virtual Public Hearing

**US Wind, Inc.
(Docket #2024-P-MULTI-0007)**

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Comments will be accepted using the DNREC Comment form, via email, or by USPS mail as noted on the hearing event page (de.gov/dnrechearings)



Purpose of Public Hearing

To provide the public an opportunity to comment on the applications submitted to the Department by US Wind, Inc. The Applicant is proposing to develop a wind energy project off the coast of Maryland. Portions of the export cables would be located under state-regulated wetlands and subaqueous lands in the Atlantic Ocean within Delaware state waters and the Indian River Bay.

Authorizations under review by the Division of Water-Wetlands and Waterways Section:

- Subaqueous Lands Lease
- Subaqueous Lands Permit
- Wetlands Permit
- Water Quality Certification



Project Location



Public Notice

Legal notice of this proposed project was published on April 28, 2024, in the Delaware State News, the News Journal, and the Cape Gazette. Notice was also posted online on the State of Delaware Public Meeting Calendar and on the DNREC web site. The public comment period will be open through September 9, 2024.

Project Overview

- Subaqueous Lands Permit/Lease:
 - The proposed project impacting state-regulated subaqueous lands (starting at the 3-mile jurisdictional line) is comprised of up to four transmission cables and will terminate into a proposed substation to be constructed on tax parcel 233-2.00-2.01 adjacent to the Indian River Power Plant in Sussex County, Delaware. Additionally, the Applicant proposes to conduct dredging to facilitate construction of the offshore wind project and associated infrastructure in the Indian River, Sussex County, DE.
- Wetlands Permit:
 - The Applicant proposes to temporarily place a pipeline associated with the proposed dredging activities across state-regulated tidal wetlands, to transport dredge material to an upland confined disposal facility adjacent to the Indian River, Sussex County, DE.

Project Overview

- Water Quality Certification:
 - Water Quality Certification is required for the activities associated with the United States Army Corps of Engineers permitting for the construction of the proposed offshore wind project and associated infrastructure. The Applicant requests a Section §401 Water Quality Certification. Approval is being requested to conduct dredging within the Indian River, Sussex County, DE.



Regulatory Review: Subaqueous Lands Permit

- Required for any activity impacting subaqueous lands. Permit required for the proposed dredging.
- Proposal includes the hydraulic dredging of ~74,000 cubic yards of material with on-site dewatering via Geo-bags.
- Disposal of dredge material would occur at the Jones Crossroads Landfill.
- Review criteria consistent with 7 Del. C. Chapter 72 and the Regulations Governing the Use of Subaqueous Lands.



Regulatory Review: Subaqueous Lands Lease

- A Subaqueous Lands Lease is a renewable lease required for the placement of any structure or any fill placed in underwater lands channelward of the mean low water line.
- The lease is required for the installation of the transmission cables and would be for the occupancy of approximately 340,000 linear feet of public subaqueous lands.
- Lease would also include up to 51,000 sq. ft or 38,250 cu/yards of cable protection (concrete mattress)



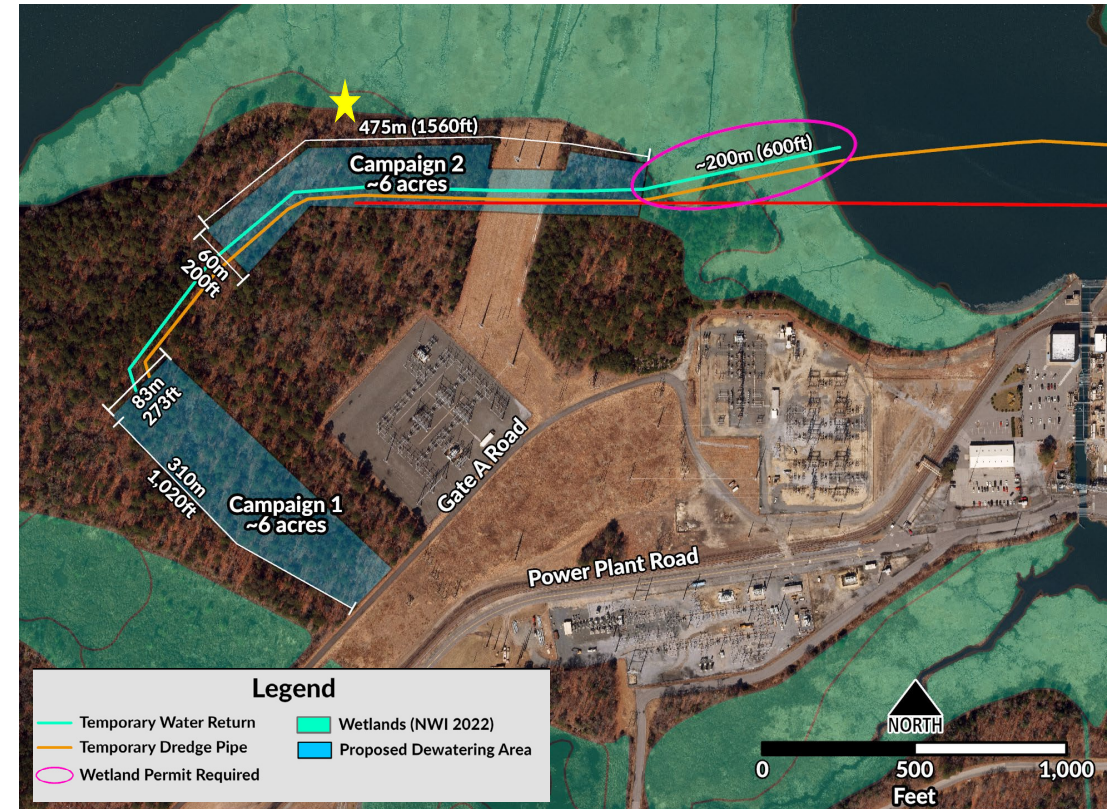
Regulatory Review: Subaqueous Lands Lease

- Review criteria consistent with 7 Del. C. Chapter 72 and the Regulations Governing the Use of Subaqueous Lands.



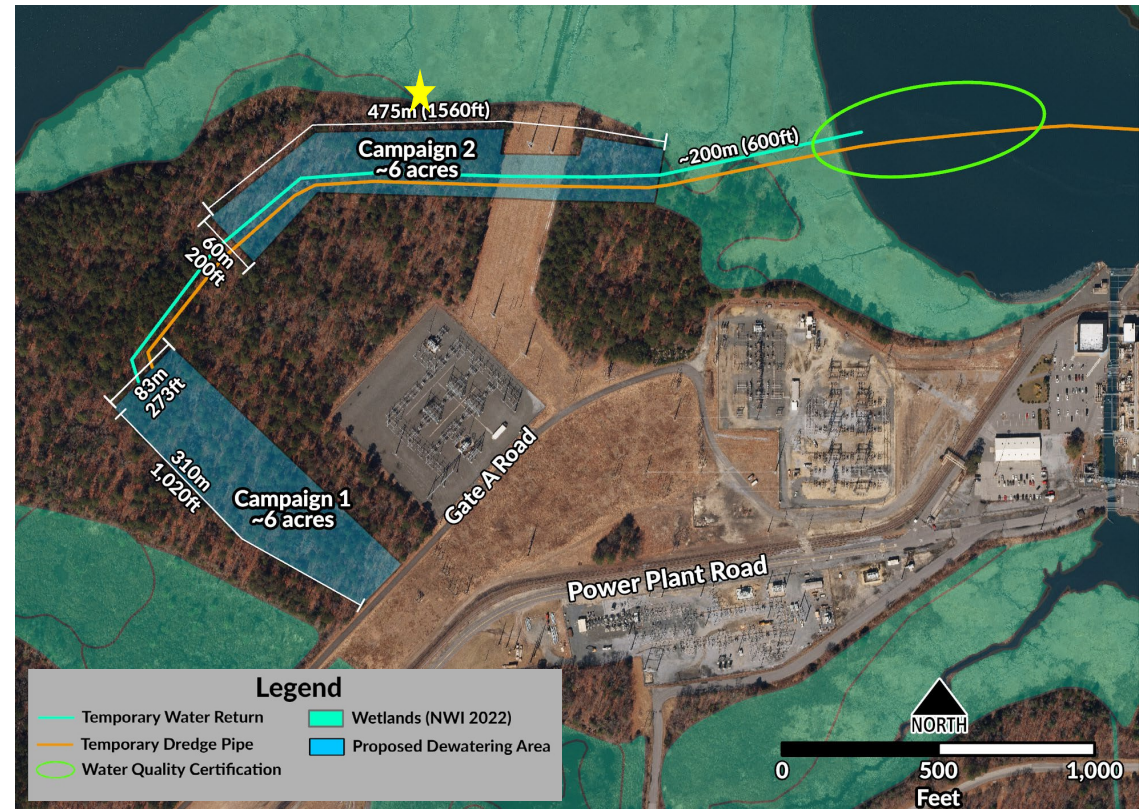
Regulatory Review: Wetlands Permit

- Wetlands Permits are required for activities that occur in tidal wetlands, as well as non-tidal wetlands that include 400 or more contiguous acres under the Delaware Wetlands Act and the state's Wetlands Regulations.
- The project proposes the temporary placement of dredge discharge pipes crossing ~1200 linear feet (2-600 ft. long pipelines) of State-Regulated Tidal Wetlands.
- Review criteria consistent with 7 Del. C. Chapter 66 and the Wetland Regulations.



Regulatory Review: Water Quality Certification

- Water Quality Certification is a requirement of the U.S. Clean Water Act to certify that the discharge of dredged or fill material into waters of the United States, including wetlands, that is authorized by the federal government, will not violate the State Water Quality Standards.
- Review criteria consistent with 7 Del. C. Chapter 60 and the Surface Water Quality Standards and Regulations governing the Control of Water Pollution.



Exhibits

- **Exhibit 1** – State Law ([7 Del.C. Chapter 60](#), [7 Del.C. Chapter 66](#) & [7 Del.C. Chapter 72](#)) and State Regulations ([Regulations Governing the Use of Subaqueous Lands](#), [Wetlands Regulations](#), [Surface Water Quality Standards](#) and [Regulations Governing the Control of Water Pollution](#))
- **Exhibit 2** – [Federal Code-Title 40, Chapter 1, Subchapter D, Part 121, Subpart A, §121.5.](#)
- **Exhibit 3** – 2024 US Wind Wetlands and Subaqueous Lands Permit Applications and all supporting documentation as listed under “Wetlands and Subaqueous Lands” on the hearing website.
- **Exhibit 4** – 2024 DNREC US Wind Water Quality Certification Request and all supporting documentation as listed under “Water Quality Certification” on the hearing website.
- **Exhibit 5** – Public Notice of the Department’s Receipt of Applications, the DNREC Public Information Session to be held on June 5, 2024, and the DNREC Public Hearing to be held on July 9, 2024, as published in the Delaware State News, the News Journal, in the Cape Gazette, and as posted on the DNREC web site.
- **Exhibit 6** - Notice of the DNREC Public Hearing scheduled for July 9, 2024, as published on the State of Delaware Public Meeting Calendar.
- **Exhibit 7** – DNREC News Release: *DNREC to Hold Virtual Joint Public Hearing July 9 on Proposed Offshore Wind Project*, dated July 3, 2024
- **Exhibit 8** – DNREC Public Hearing Presentation

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US Wind, Inc.

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Thank you for joining us. We will accept comments on this matter through September 9, 2024. Comments may be submitted in writing via:

- Comment form (<https://dnrec.delaware.gov/public-hearings/comment-form/>),
- Email (DNRECHearingComments@delaware.gov), or
- USPS to Lisa Vest, Hearing Officer, DNREC Office of the Secretary, 89 Kings Highway, Dover, DE 19901

A copy of the Court Reporter's full, verbatim transcript will be posted on this hearing's web event page as soon as it becomes available.

For more information, access the event page at de.gov/dnrechearings.