



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL

DIVISION OF WATER
RICHARDSON & ROBBINS BUILDING
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

WETLANDS &
WATERWAYS SECTION

PHONE
(302) 739-9943

US Wind, Inc.
c/o: Jeffrey Grybowski
401 E. Pratt Street, Suite 1810
Baltimore, MD 21202
Tax Parcel: 233-2.00-2.01 (Dredge Disposal Location)

Wetlands Permit: WE-043/24
Associated Permits: SL-043/24, SP-043/24, WQ-043/24
Date of Issuance: **1/8/2025**
Construction Expiration Date: **1/8/2035**
Amended Date:

WETLANDS PERMIT

GRANTED TO:

US Wind, Inc.

FOR THE FOLLOWING ACTIVITIES:

- To temporarily place two (2) ~ 600 foot long pipelines across State-regulated tidal wetlands associated with the dredging activities authorized under SP-043/24

LOCATED IN STATE-REGULATED WETLANDS:

**In the Indian River Bay
Sussex County, Delaware**

Pursuant to the provisions of 7 Del. C., §6604, the Department's Wetlands Regulations, permission is hereby granted on this 8th day of January A.D. 2025, to construct the above-referenced project in accordance with the approved plans, the application dated March 29, 2024 and received by this Division on March 29, 2024, and with subsequent information received.

WHEREAS, pursuant to the provisions of 7 Del. C., §6604, the Secretary of the Department of Natural Resources and Environmental Control through his duly authorized representative finds that it is not contrary to the public interest if this project is approved subject to the terms and conditions herein set forth.

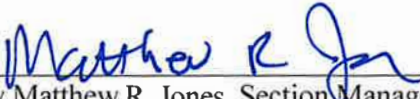
NOW THEREFORE, this Permit is issued subject to the attached Wetland Permit General Conditions and the following special conditions:

SPECIAL CONDITIONS

1. This approval is in accordance with the plans and application submitted to the Department of Natural Resources and Environmental Control, a copy of which is attached hereto and made a part hereof.

2. This Permit is only valid upon the DNREC Wetlands and Waterways Section receiving an active agreement between the permittee and the United States Army Corps of Engineers and/or any other applicable parties.
3. The authorized activity in State-regulated tidal wetlands is solely for the temporary use of two (2) ~ 600 foot long pipelines to transport dredged material to and return waters from the disposal area. Any other use without prior written approval may lead to the revocation of this Permit.
4. The sediments will be transported by a hydraulic pipeline. The pipeline shall be placed across State-regulated wetlands in a manner that it does not negatively impact the surrounding environment. Any wetlands disturbed during this dredging event shall be restored to their pre-disturbance conditions at the conclusion of the construction activities.
5. The pipeline shall be kept in good condition at all times and any leaks or breaks shall be promptly and properly repaired.
6. The pipeline shall be placed in accordance with the approved plans and in a manner such that it does not impede navigation or cause hazardous conditions. The WWS shall be notified of any significant change to the alignment of the pipeline shown on the approved plans prior to the change of said alignment.
7. Monitoring and Emergency Response:
 - a. In the event of an emergency, actions for response shall be in accordance with the attached DNREC-approved "*Emergency Response Plan (ERP)-Delaware 1a*" dated October 7, 2024
 - b. All construction activities shall be monitored in accordance with the attached DNREC-approved "*Maryland Offshore Wind Project-Monitoring Plan-Delaware*" dated October 2024 and revised November 2024. Prior to initiation of construction activities, a detailed monitoring plan, submitted for DNREC approval, will be required that identifies sampling/monitoring locations, sampling schedules, analytical parameters, standard operating procedures, etc.
8. Mitigation:
 - a. Compensatory mitigation for the associated impacts to state-regulated tidal wetlands shall be provided in accordance with the attached DNREC-approved "*Maryland Offshore Wind Project-Mitigation Plan-Delaware*" dated October 2024. The mitigation plan commitments will become effective 180 days prior to the start of construction activities in Delaware waters.
9. Time of Year Restrictions:
 - a. To protect marsh-nesting birds, the placement of dredge pipes across state-regulated tidal wetlands and the installation of cables underneath these wetlands shall not occur during the nesting season, from April 1st to July 31st.
10. The permittee shall notify the DNREC Wetlands and Waterways Section within ten (10) days of completion of the construction activities.

IN WITNESS WHEREOF, I, Matthew R. Jones, the duly authorized representative of Shawn M. Garvin, Secretary of the Department of Natural Resources and Environmental Control, have hereunto set my hand this 8th day of January, 2025.


By Matthew R. Jones, Section Manager
Division of Water-Wetlands and Waterways Section



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GENERAL CONDITIONS

1. The permittee and contractor shall at all times comply with all applicable laws and regulations of the Department of Natural Resources and Environmental Control.
2. The activities authorized herein shall be undertaken in accordance with the permit conditions, the final stamped and approved plans, and with the information provided in the permit application.
3. A copy of this Permit and the stamped approved plans shall be available on-site during all phases of construction activity.
4. The conditions contained herein shall be incorporated into any and all construction contracts associated with the construction authorized herein. The permittee and contractor are responsible to ensure that the workers executing the activities authorized by this Permit have full knowledge of, and abide by, the terms and conditions of this Permit.
5. No portion of the structure shall be constructed using creosote treated lumber.
6. No portion of the structure(s) authorized by this Permit shall exceed the width dimension for that structure identified on Page One of this Permit.
7. The activities authorized herein shall be conducted so as not to violate the State of Delaware's Surface Water Quality Standards in effect at the date of Permit authorization.
8. The issuance of this Permit does not constitute approval for any activities that may be required by any other local, state or federal government agency.
9. The issuance of this Permit does not imply approval of any other part, phase, or portion of any overall project the permittee may be contemplating.
10. This Permit authorizes only the activities described herein. Modifications to the project may require a supplemental approval from this office prior to the initiation of construction. A determination of the need for a supplemental approval will be made by this office pursuant to the permittee submitting written notification and revised plans indicating project changes. Failure to contact the Department prior to executing changes to the project shall constitute reason for this Permit being revoked.
11. The Contractors Completion Report shall be filled out and returned within 10 days of completion of the authorized work.
12. The permittee will protect and hold the State of Delaware harmless from any loss, cost or damage resulting from the construction or use of said structures.
13. Representatives of the Department of Natural Resources and Environmental Control shall be allowed to access the property to inspect all work during any phases of the construction and may conduct post-construction compliance inspections, collect any samples or conduct any tests that are deemed necessary.

14. The permittee shall maintain all authorized structures and activities in a good and safe condition.
15. All construction materials, waste or debris associated with this activity shall be properly disposed of and contained at all times to prevent its entry into waters or wetlands. Construction materials shall not be stockpiled in subaqueous lands or wetlands.
16. The permittee or their contractor shall employ measures during construction to prevent spills of fuels, lubricants or other hazardous substances. In the event of a spill, the permittee or their contractor shall make every effort to stop the leak and contain the spill, and shall immediately contact the Hazardous Spill Response Team (HAZMAT) at 1-800-662-8802 and this office at (302) 739-9943. The permittee and their contractor are responsible to comply with all directives to contain and clean up the spilled material(s) as stipulated by the HAZMAT team, and to restore the site as may be required by this office.
17. No construction shall occur after the construction expiration date identified on Page One of this Permit. The permittee may file a permit extension request of up to one (1) year if necessary to complete the authorized work. Such requests must be received by the Department at least thirty (30) days prior to the construction expiration date.
18. Any actions, operations or installations which are found by the Department to be contrary to the public interest may constitute reason for the discontinuance and/or removal of said action, operation or installation. Removal and restoration shall be at the expense of the permittee and/or upland property owner within thirty (30) days of receipt of written notice of revocation and demand for removal.
19. Disturbance of subaqueous lands or wetlands adjacent to the authorized structures or activities is prohibited unless specifically addressed in the special conditions of this Permit. Disturbance of subaqueous lands or wetlands in the path of construction activities shall be minimized. Any temporarily impacted subaqueous lands or wetlands shall be returned to pre-disturbance elevations and conditions.
20. This Permit is personal but may be transferred provided the permittee provides prior notice to the Department of the intent to transfer and the new property owner provides appropriate documentation to substantiate ownership of the adjacent upland property and/or the structures authorized herein. Failure to transfer this Permit to a new owner may result in the revocation of the Permit and the removal of all structures authorized by this Permit at the expense of the permittee.
21. The permittee shall notify the Wetlands and Waterways Section prior to the commencement of the work authorized by this Permit.
22. This Permit is subject to the terms and conditions contained in any easement, license or lease that may have been granted by the State or any political subdivision, board, commission or agency of the State which may apply to the premises where the project authorized herein is located.
23. Erosion and sediment control measures shall be implemented in accordance with the specifications and criteria in the current Delaware Erosion and Sediment Control Handbook so as to minimize entry and dispersal of sediment and other contaminants in surface waters.
24. Failure to comply with any of the terms or conditions of this Permit may result in enforcement action, which could include the revocation of this Permit, and subsequent restoration of the site to preconstruction conditions.