



## COMMENTS RESPONSE

July 29, 2024

Re: Applicant: US Wind Inc  
Property Address: 12929 & 12933 Harbor Rd  
AI Number: 179399  
Tracking Number: 202361274  
Tidal Wetlands License Application Number: 23-WL-0813 & 24-WQC-0004

The Maryland Department of the Environment (“MDE” or “the Department”) received your comments regarding US WIND INC’s Joint Federal/State Application for the Alteration of Any Floodplain, Waterway, Tidal or Nontidal Wetland in Maryland (“Application”) received on September 7, 2023. The application proposes to construct a 353 foot long by 30 foot wide concrete pier with associated timber fenders, all with a maximum of 30 feet channelward of the mean high water line; and construct 383 linear feet of replacement steel bulkhead within a maximum of 18 inches channelward of the mean high water line.

Many comments were received during the Public Notice period which ended on June 7, 2024. Comments were grouped according to relevance (i.e. Environmental, Navigation, Economic, etc). Those comments received specific to the application for 23-WL-0813 are outlined below with the Department response.

### **Environmental:**

1. The proposed pier and bulkhead will have negative impacts on the environment, specifically tidal wetlands, marine life, and water quality.

*MDE Response: The application was screened by MDE during its initial receipt at which time no environmental resource impacts were identified. The application was also reviewed and found to be in compliance with COMAR 26.24.02.03, which includes review of whether the proposed activity will alter or destroy tidal wetlands. MDE review found that the proposed pier and bulkhead work is similar to other pier and bulkhead work completed in the vicinity and special conditions have been included in the wetland license to minimize impacts to tidal wetlands, marine life, and water quality.*

*Following the end of the Public Notice period the comments received were shared with Maryland Department of Natural Resources (DNR) which provided a response to the comments specific to natural resources. Special Conditions F, G, H, I, J, K, L, M, N, O, and P are included in the Wetland License to reduce and minimize impacts on tidal wetlands, marine life, and water quality.*

- 1.1. There is a summer flounder breeding site there.

*DNR Response: Summer flounder spawn offshore and not in the commercial harbor or Sinepuxent Bay. Currents carry larvae into the coastal bays via the inlet. Young-of-the-year flounders are documented in DNR's trawl and beach seine surveys from April through October. Adults use the coastal bays from about April through October. Larval Summer Flounder enters the bays from October through May with the greatest activity from February through May. MDE has included Special Conditions, F & I, in the Wetland License to minimize the potential discharge of sediment. DNR did not identify a need to recommend a Time of Year (TOY) restriction for summer flounder.*

*NOAA Response: The scale of the project is small enough that the impact on larval recruitment would possibly be small in scope depending on the amount of bottom disturbance. There are no known effects of siltation from piling driving activities. Based on similar past projects and dredging activities, NOAA does not anticipate adverse impacts on the flounder population from the construction activities.*

- 1.2. Pier with damaging noise levels for humans and sea life.

*DNR Response: DNR recommended some best management practices to minimize acoustic impacts from pile driving which include using vibratory hammers for some or all of the pile placement and construction phasing, using "soft start" or "ramping up" pile driving (e.g. driving does not begin at 100% energy), driving piles as deep as possible with a vibratory hammer prior to using an impact hammer, and using cushion blocks when using an impact hammer. These best management practices are included in the Special Condition P of the Wetland License.*

- 1.3. This is a substantial tidal wetland area which needs to be protected.

*MDE/DNR Response: The harbor has been developed and the project shoreline has been hardened with shoreline stabilization techniques such as revetment and bulkhead. Only pier and bulkhead work are proposed for this application. The applicant will be required to comply with all local, state, and federal regulatory requirements for construction activities outside of tidal wetland jurisdiction. Special Conditions F, G, H, I, J, K, L, M, N, O, and P are included in the Wetland License to reduce and minimize impacts to tidal wetlands.*

- 1.4. A comprehensive independent environmental study to show the impact of this construction should be required and NEPA requires an independent environmental study, and this has not been done yet.

*MDE Response: The proposed pier and bulkhead work does not require a comprehensive independent environmental study. Similar projects have been completed and are planned in the West Ocean City Commercial Harbor and did not require studies to be completed. Martin Fish Company completed similar pier work in recent years. Fisherman's Marina at the end of the harbor is nearly finished with their bulkhead project. The Natural Resources Police will be replacing the bulkhead and pilings at the Colonel Jack Taylor Boathouse. All of these projects include either pier and/or bulkhead work, none of which were part of a NEPA study. Pier and bulkhead work are typical activities that occur within tidal wetlands.*

*The US Army Corps of Engineers (USACE), the Bureau of Ocean Energy Management*

*(BOEM) and other federal agencies are reviewing the proposed offshore wind project, including all offshore work and facilities in Delaware. On Sept. 29, 2023, BOEM announced that the Notice of Availability of the Maryland Offshore Wind Draft Environmental Impact Statement (EIS) was published in the Federal Register on Oct. 6, 2023. The Draft EIS was made available for public comment until November 20, 2023. Information about the Draft Environmental Impacts can be found on the BOEM website [Maryland Offshore Wind Draft Environmental Impact Statement \(EIS\) for Commercial Wind Lease OCS-A 0490](#). For further information contact Jessica Stromberg, BOEM Office of Renewable Energy Programs, 45600 Woodland Road, VAM-OREP, Sterling, Virginia 20166, (703) 787-1722 or [jessica.stromberg@boem.gov](mailto:jessica.stromberg@boem.gov).*

- 1.5. The proposed operating and service facility at this location will negatively impact marine species clams, SAV, and horseshoe crabs.

*MDE Response: MD DNR commented that the commercial harbor is not a suitable habitat for clams, submerged aquatic vegetation (SAV), or horseshoe crabs. The harbor bottom is mud, and the frequent and constant vessel traffic continually churns up the bottom. There are no observed or mapped SAV beds within the last 5 years and the nearest SAV bed, observed in 2017, is greater than 500 yards south and on the opposite shoreline.*

*Several beaches in Sinepuxent Bay are used by horseshoe crabs for spawning including the beach right next to the pier and the beaches directly across from the end of the existing pier located on Assateague Island. Due to the proximity of this project to the small spawning beach, restricting the building between mid-May through mid-July would minimize disturbance to spawning horseshoe crabs due to physical disturbance and is addressed with special condition O in the Tidal Wetland License.*

- 1.6. Will there be random water testing in and around the pier and harbor area?

*MDE Response: Random water testing is not a requirement for typical pier and bulkhead work. Turbidity curtains will be required for demolition work as outlined in Special Condition F of the Tidal Wetlands License. Special conditions G, H, I, J, K, L, M, and N also address water quality concerns.*

**Economy:**

2. The proposed pier and bulkhead will have negative impacts on the local tourism economy and residential property values.

*MDE Response: The proposed pier and bulkhead work is similar in nature to other projects completed within the West Ocean City Commercial Harbor. The harbor area is zoned as CM Commercial Marine District. Per Worcester County Zoning and Subdivision Control Article § ZS 1-214 Purpose and intent, this district is intended to preserve and protect Worcester County's commercial fishing industry while allowing for commercial, industrial and recreational uses which of necessity must be located in close proximity to waterfront areas. Additionally, it provides for other compatible uses which may find a waterfront location desirable. Furthermore, it is the intent of this district that there shall be no basis, under this Title, for recourse against the effect of any normal commercial fishing or other commercial marine activity or operation as permitted in this*

*district, including but not limited to noise, odor, vibration, fumes, dust or glare.*

- 2.1. Damaging noise levels for humans interfering with events, tourism, and businesses downtown.

*MDE Response: Local and/or County Government may have restrictions for the timing of construction activities for noises generated from construction to not interfere with events, tourism, and businesses downtown.*

*US Wind has indicated that they do not plan to begin construction until after 2025.*

- 2.2. Large-scale impact on local living conditions and the local economy by the pier.

*MDE Response: A riparian property owner has the right to protect their property from erosion and the right to access the waterway. The proposed project is a reasonable exercise of those rights; replacing a deteriorating bulkhead and replacing an existing pier to provide access to the waterway. The use of the property is determined by the local authority, in this instance the county, which determines zoning, use restrictions, access to the property, and other considerations such as utilities including sewer and water access. The harbor is zoned for commercial and industrial activities by the county which can determine if the operations proposed by US Wind meet their zoning and use requirements.*

- 2.3. The plan does not appear to address any probable accident on the pier, access road, or transport ship that would halt local commerce and tourist activities.

*MDE Response: The applicant will be required to adhere to special conditions G, H and L in the tidal wetland license which will address the potential for spills of hazardous materials. Special condition G requires the development and approval of a Stormwater Pollution Prevention Plan (SWPPP), special condition H requires the applicant to submit a General Discharge Permit application to the Water and Science Administration, Industrial Discharge Permits Division and special condition L requires compliance with Oil Pollution Regulations.*

- 2.4. The Operating and Maintenance Facility along with the transfer ships, on-loading and off-loading equipment, monitoring vessels, etc. will only further congest and disrupt the commercial fishing fleet that rely on the access of this harbor for their livelihood.

*MDE Response: The project site has historically been used by commercial fishing fleets for loading and unloading of catch and supplies. While the type of activities at this location may change, the activities, loading and unloading of commercial vessels, will be similar to the current uses.*

*The harbor area is zoned as CM Commercial Marine District. Per Worcester County Zoning and Subdivision Control Article § ZS 1-214 Purpose and intent, this district is intended to preserve and protect Worcester County's commercial fishing industry while allowing for commercial, industrial and recreational uses which of necessity must be located in close proximity to waterfront areas. Additionally, it provides for other compatible uses which may find a waterfront location desirable. Furthermore, it is the intent of this district that there shall be no basis, under this Title, for recourse against the effect of any normal commercial fishing or other commercial marine activity or operation as permitted in this district, including but not limited to noise, odor, vibration, fumes, dust or glare.*

- 2.5. The use of this pier by the applicant will most certainly result in the displacement of the commercial fishing fleet and the loss of the fresh seafood they supply. It will result in the loss of jobs in both the wholesale and retail side of the seafood industry. It will mean that locally sourced seafood will no longer be available for sale to many of our local eating establishments. The decrease in future revenue brought in by the commercial fleet in the way of seafood sales, fuel, ice, bait, dock rental, maintenance, etc. will have a negative impact on the county and its residents.

*MDE Response: The application was reviewed and found to be in compliance with COMAR 26.24.02.03, which includes review of whether the proposed activity will eliminate or substantially reduce marine commerce, recreation, and aesthetic enjoyment, the proposed activity will impact local, regional, and State economic conditions and the proposed activity is consistent with State, federal, and local land use plans and laws, including Critical Area laws. The harbor area is zoned as CM Commercial Marine District. Per Worcester County Zoning and Subdivision Control Article § ZS 1-214 Purpose and intent, this district is intended to preserve and protect Worcester County's commercial fishing industry while allowing for commercial, industrial and recreational uses which of necessity must be located in close proximity to waterfront areas. Additionally, it provides for other compatible uses which may find a waterfront location desirable.*

*BOEM has statutory obligations under NEPA (42 U.S.C. §§ 4321 et seq.) to evaluate social and economic impacts of a potential project. Under BOEM's regulations, BOEM must coordinate with relevant Federal agencies, including those agencies involved in planning activities that are undertaken to avoid conflicts among users and to maximize the economic and ecological benefits of the OCS (30 CFR 585.102(a)(5)). More information can be found in Appendix G - Mitigation and Monitoring of the Draft EIS*

*DNR Response: A Fisheries Compensation Agreement is being developed. Martin Fish Company and Southern Connection Seafood are private entities that are willing sellers.*

- 2.6. The concern of the industrialization of the harbor and the ocean.

*US Wind Response: The O&M Facility is proposed in a working commercial harbor and is consistent with current marine use. Under the Worcester County zoning regulations (§ ZS 1-214), the sites are zoned Commercial Marine which is designated for the commercial fishing industry and "commercial, industrial, and recreational uses which of necessity must be located in close proximity to waterfront areas."*

- 2.7. Concern the proposed activity will adversely impact property values because of sediment being stirred up and the channel being blocked by US Wind vessels.

*MDE Response: The draft depth of the proposed Crew Transfer Vessels (CTVs) is 4 feet which is similar to or less draft than other vessels that frequently use the commercial harbor, including the commercial fishing fleet and larger recreational fishing vessels. Water depths adjacent to the proposed pier and bulkhead are a minimum of 6 feet at mean low water.*

- 2.8. Concerns that the facility will decrease the restaurants and the businesses' revenues.

*US Wind Response: The O&M Facility is proposed in a working commercial harbor and is consistent with current marine use. Under the Worcester County zoning regulations, the sites*

*are zoned Commercial Marine which is designated for the commercial fishing industry and “commercial, industrial, and recreational uses which of necessity must be located in close proximity to waterfront areas.” In addition, the O&M Facility is proposed to be located within the West Ocean City Harbor which is characterized as an Intensely Developed Area.*

- 2.9. Concern federal funding will be lost if commercial businesses are impacted. This funding is used to maintain the inlet.

*MDE Response: The USACE is responsible for the maintenance of Federal Navigation Channels. The development of offshore wind farms and associated support networks can provide added incentive to have more timely maintenance of the Federal Navigation Channel.*

**Navigation:**

3. The proposed pier and bulkhead will negatively impact navigable access to the harbor.

*MDE Response: The proposed pier and bulkhead are subject to State law as outlined by Maryland State Article - Environment Title 16 -Tidal Wetlands and regulated by COMAR 26.24.02.03. Navigational safety is one of the 19 factors in COMAR 26.24.02.03. The proposed work complies with State regulations and statute. Navigational safety is reviewed by the Department and the project was reviewed by MD DNR; no comments or concerns regarding navigation were forwarded from MD DNR.*

- 3.1. Increased traffic and congestion at the inlet with the pier – a safety issue and crippling to those that fish the inlet and use it for business.

*MDE Response: All activities proposed in, on, over, and under State or private tidal wetlands are regulated per COMAR 26.24.02.03. Specifically COMAR 26.24.02.03.B(13) In evaluating an application, the Department shall consider the degree to which navigational safety is affected. The current minimum width of the waterway from the existing pier to opposing structures to the north is approximately 186 feet. The proposed pier will be parallel to the existing shoreline and will not extend more than 30 feet channelward of the mean high water line. The waterway will be approximately 180 feet wide after the construction of the pier providing adequate space for vessels to navigate. The Federal Navigation Channel edge is 62 feet from the proposed structures. Proposed CTVs are a maximum of 33 feet wide and will be moored outside of the Federal Navigation Channel and associated turning basin with over 25 feet to the edge of the Federal Navigation Channel. With CTVs moored, there will be approximately 147 feet of open water between the channelward side of the CTVs and the nearest structure on the opposing shoreline.*

- 3.2. The proposed activity will affect navigational safety and recreational access. The West Ocean City Harbor has a very high volume of commercial and recreation vessels entering and exiting throughout the day. The proposed project reduces the harbor opening width by 20 feet.

*MDE Response: The current minimum width of the waterway from the existing pier to opposing structures to the north is approximately 186 feet. The proposed pier and associated structures will be parallel to the existing shoreline and will not extend more than 30 feet channelward of the mean high water line. The waterway will be approximately 180 feet wide after the construction of the pier. Proposed CTVs are a maximum of 33 feet wide and will be moored outside of the Federal Navigation Channel and associated turning basin. With CTVs moored there will be approximately 147 feet of open water between the channelward side of*

*the CTVs and the nearest structure on the opposing shoreline. CTVs are anticipated to depart in the morning and return in the evening.*

- 3.3. Although the applicant only refers to Crew Transfer Vessels in the JP Application, the applicant's Construction and Operations Plan (COP) lists service operation vessels up to 262' long. Large vessels such as those will obstruct the channel when moored and when maneuvering.

*US Wind Response: Larger deep draft vessels needed to support routine or unplanned maintenance activities involving larger parts and equipment that cannot be transported via CTV, would likely mobilize from additional ports. Major maintenance activities requiring deep draft vessels will be based out of Baltimore, MD and/or Portsmouth, VA. See BOEM website for [Maryland Offshore Wind Construction and Operations Plan for Commercial Lease OCS-A 0490](https://www.boem.gov/renewable-energy/state-activities/maryland-offshore-wind-construction-and-operations-plan), <https://www.boem.gov/renewable-energy/state-activities/maryland-offshore-wind-construction-and-operations-plan>*

- 3.4. The operation of the proposed 100' x 30' Crew Transfer Vessels (CTVs) will cause a significant disruption in the harbor. The vessels are notably larger than any of the commercial and recreational boats that currently use the harbor.

*MDE Response: A review of aerial imagery shows vessels of similar dimensions using the harbor within the last 5 years. Some of these similarly sized vessels depart from and arrive in the harbor at least once daily. The Department is unaware of any incidents that have occurred within the harbor that have caused a significant disruption to the harbor from these vessels.*

*US Wind Response: Large construction vessels designed to carry wind turbine components such as monopiles, towers, and blades are expected to be based at the Sparrows Point Steel facility in Baltimore County or a similar large port designed to handle large components, not out of West Ocean City.*

- 3.5. In order to maintain water depths for the larger vessels, increased dredging will be needed.

*MDE Response: The draft of CTVs is approximately 4 feet. Existing water depths adjacent to the project site are at least 6 feet deep at mean low water. The USACE is responsible for dredging of the Federal Navigation Channel within the harbor.*

- 3.6. The harbor is heavily traveled in the season with access by vessels from two marinas and one large public launching ramp, public fuel docks, as well as tie-up to restaurants and a marine store. Industrial activity by the US Wind facility would result in major navigation problems.

*MDE Response: The activities associated with the proposed pier and bulkhead are consistent with current marine use and the application has been reviewed to ensure navigational safety will not be negatively impacted.*

*The harbor area is zoned as CM Commercial Marine District. Per Worcester County Zoning and Subdivision Control Article § ZS 1-214 Purpose and intent, this district is intended to preserve and protect Worcester County's commercial fishing industry while allowing for commercial, industrial and recreational uses which of necessity must be located in close proximity to waterfront areas. Additionally, it provides for other compatible uses which may*



*find a waterfront location desirable.*

- 3.7. Navigation in the harbor: With the increase in the width of the new bulkhead and US Wind's crew boats up to 10 meters wide (or approximately 33 feet) there is concern that more vessel traffic will move closer to the adjacent bulkhead. The wake is already a problem and will become more problematic with US Wind vessels closer.

*MDE Response: The waterway will be approximately 180 feet wide after completion of the proposed pier and its associated structures from 186 feet. CTVs are approximately 33 feet in width so there will be approximately 147 feet of open water from the channelward side of a moored CTV to the opposing structures on the north side of the harbor. Boat captains are responsible for their wake and the local authority or DNR may impose stricter speed regulations within the harbor if needed.*

*Concerns about wakes generated can be relayed to Maryland DNRs Boating and Fishing Services Mike Lathroum at 410-260-8272 or email: [kennethm.lathroum@maryland.gov](mailto:kennethm.lathroum@maryland.gov).*

*The harbor area is zoned as CM Commercial Marine District. Per Worcester County Zoning and Subdivision Control Article § ZS 1-214 Purpose and intent, this district is intended to preserve and protect Worcester County's commercial fishing industry while allowing for commercial, industrial and recreational uses which of necessity must be located in close proximity to waterfront areas. Additionally, it provides for other compatible uses which may find a waterfront location desirable.*

- 3.8. Has any sort of computational fluid dynamics model, or any sort of sediment model run for morphological purposes to identify projected impacts on the channel?

*MDE Response: The Department does not require computational fluid dynamics modeling and/or sediment model runs for the proposed pier and bulkhead work.*

- 3.9. Is there an official USACE survey for the entire harbor showing the Federal Channel from the beginning of the harbor to the bay?

*MDE Response: Federal Navigation Channel maps are available online at <https://www.arcgis.com/apps/dashboards/4b8f2ba307684cf597617bf1b6d2f85d>. The most recent survey of the Federal Navigation Channel from the beginning of the harbor to the bay and inlet was conducted March 26, 2024.*

4. Construction activities, specifically pile installation, will cause damage to adjacent properties

*MDE Response: Construction activities proposed to affect tidal wetlands will be performed by a Licensed Marine Contractor using best management practices (See Special Condition C).*

- 4.1. What is the number and size of the steel piles?

*US Wind Response: US Wind has proposed approximately 185 steel support piles, spaced 10 feet apart, with pile diameter between 12 to 18 inches.*

- 4.2. What measures will be taken to protect adjacent properties from damage?

*MDE Response: Best management practices should be employed for all construction*



*activities. Special condition C requires all work performed under this Wetland License to be conducted by a marine contractor licensed by the Marine Contractors Licensing Board (MCLB) in accordance with Title 17 of the Environment Article of Annotated Code of Maryland. Activities proposed related to pier and bulkhead work are similar in nature to other projects recently completed in the commercial harbor. The Department is unaware of any damage caused by construction of similar projects in the vicinity, including pier work that was performed at the same property by Martin Fish Company.*

- 4.3. What measures will be employed to reduce and contain sediment disturbance during construction?

*MDE Response: Special conditions will be included in the Wetland License and associated Water Quality Certification requiring turbidity curtains to be deployed during demolition to minimize impacts from sediment (see Special Condition F) Any work in the uplands and within the critical area buffer will require additional local and State authorizations such as an approved Erosion and Sediment Control Plan and Buffer Management Plan (See Special Condition B and J).*

- 4.4. Will vibration from the pile installation cause cracks or other damages to homes' walls, ceramic flooring, foundations, or slabs? Will vibration monitors be provided to homeowners?

*MDE Response: Best management practices should be employed for all construction activities as all work will be completed by a licensed marine contractor (See Special Condition . Activities proposed related to pier and bulkhead work are similar in nature to other projects recently completed in the commercial harbor. The Department is unaware of any damage caused by construction of similar projects in the vicinity, including pier work that was performed at the same property by Martin Fish Company.*

- 4.5. Concerns the pile driving activity adversely impacts well water quality or flow during the construction or in the future.

*MDE Response: Piles are proposed to be installed to a maximum depth of 100 feet which is shallower than existing local aquifers. Therefore, pile driving activities should not impact well water quality or flow during the construction or in the future.*

5. Concerns about the application process

*MDE Response: The application process for the proposed pier and bulkhead associated with 23-WL-0813 are consistent with the State law and regulations.*

- 5.1. Ocean City notes that the amended application significantly changed the project and the amended application was not made available to the public until just before the scheduled hearing. This did not afford adequate time for public review of the changes. MDE should readvertise and reschedule a new public hearing based on the revised application and that hearing should take place in the north end of Worcester County.

*MDE Response: As part of the application review process, applicants routinely revise plans as a result of MDE's comments, other agency comments, or comments received during the public participation process. A reduction in the scope of work does not require the need for a readvertisement and rescheduling of the associated public hearing. The application review*

*including public notice and the public information hearing are consistent with COMAR requirements.*

- 5.2. No contractors have been identified to do the pier and piling work.

*MDE Response: Contractors are not required to be identified during the application process. However, State law and regulations require that all work performed within tidal wetlands be performed by the property owner or a Licensed Marine Contractor (Special Condition C).*

- 5.3. Unclear if the application is only for the repair and extension of the current pier.

*MDE Response: The current plans, as they will be forwarded to the Board of Public Works for their review, propose to replace 383 feet of deteriorated bulkhead and revetment with steel sheet piles and to construct 353 feet of pier parallel to the harbor channel, not to exceed more than 30 feet channelward of the mean high water line. The most recent plans are available for review on MDEs [US Wind website](https://mde.maryland.gov/programs/water/WetlandsandWaterways/Pages/US-Wind-Inc.aspx), <https://mde.maryland.gov/programs/water/WetlandsandWaterways/Pages/US-Wind-Inc.aspx>.*

- 5.4. How far into the settlement are they with the properties for (indiscernible) and if so, how can they apply for permits when they don't have ownership of a piece of real estate?

*MDE Response: The applicant can apply on behalf of the property owner with the property owners consent. The property owners for both 12929 and 12933 Harbor Road have included their signatures with the application.*

- 5.5. Are there any vehicles going to be driven on the pier?

*US Wind Response: Yes, vehicles such as trucks will be driven onto the pier for loading and unloading of CTVs. Additionally, since the plans no longer propose permanent cranes to be constructed on the pier, mobile cranes will also be driven onto the pier for loading and unloading.*

6. Concerns about the plans and the means and methods of construction.

*MDE Response: The plans provided with this application are for the review and approval of proposed impacts in, on, over, or under State or private tidal wetlands. The Department's Tidal Wetlands Division reviews those proposed impacts which on this project are channelward of the mean high water line. Those activities proposed landward of the mean high water line are reviewed under the jurisdiction of other State agencies or by the appropriate local government agency. Erosion and Sediment Control plans associated with construction in uplands will need to be reviewed and approved by the Worcester County Soil Conservation District and all construction activities will need to be reviewed and approved by Worcester County Department of Planning and Zoning.*

- 6.1. How high are the cranes going to be on the piers and how high and how far they're going to stick out over the water?

*US Wind Response: US Wind will not be constructing permanent cranes on the pier. Mobile cranes will be used for the loading and unloading of CTVs and will be removed from the pier at the conclusion of loading/unloading activities. When mobile cranes are in use the anticipated height of the extended boom will be less than 45 feet and will only extend to the*

*mid-beam of the moored CTV for safe loading/unloading.*

6.2. There are no full construction plans

*MDE Response: Full construction plans are not required as part of the State Tidal Wetlands License, only plans showing impacts to tidal wetlands are required for the Department's review. Full construction and engineered plans may be required as part of an approved erosion and sediment control plan for activities proposed in uplands. Those activities proposed landward of the mean high water line are reviewed under the jurisdiction of other State agencies or by the appropriate local government agency. Erosion and Sediment Control plans associated with construction in uplands will need to be reviewed and approved by the Worcester County Soil Conservation District and all construction activities will need to be reviewed and approved by Worcester County Department of Planning and Zoning.*

6.3. Who is the construction company?

*US Wind Response: US Wind has not identified a construction company at this time. State law and regulations require that all work performed within tidal wetlands be performed by the property owner or a Licensed Marine Contractor (Special Condition C).*

6.4. What are the demolition plans/details?

*MDE Response: The Department does not require demolition plans. However, special conditions within the authorization will require the use of turbidity curtains during removal and construction of the authorized activities to minimize impacts (Special Condition F).*

6.5. How are they planning to do the construction?

*MDE Response: State law and regulations require that all work performed within tidal wetlands be performed by the property owner or a Licensed Marine Contractor. US Wind will be using a Licensed Marine Contractor for the authorized work in tidal wetlands (Special Condition C). Special Condition E requires the removal of an existing pier and associated structures prior to the commencement of the construction of a new pier. Special Condition H requires completion of the bulkhead prior to filling behind the bulkhead. Special Condition J requires an approved erosion and sediment control plan which includes a sequence of construction.*

6.6. What kinds of cranes will be used to drive the pile?

*MDE Response: There are no crane limitation requirements recommended and typical marine contracting equipment necessary to install the piles will be utilized.*

6.7. The amended application dated March 15, 2024, lacks the following information required by the application checklist:

- Distances to all structures
- Property boundaries and adjacent property owners
- A section view showing all existing conditions and structures
- Water depths are not shown on the plan view
- Distance across the waterway show on a plan view
- Plans do not show piling size, quantity, or spacing
- Section view does not give any dimensions for the steel sheet piling

- Bulkhead tie backs are not shown which will increase the area of disturbance.

*MDE Response: The plans have been updated to include the information necessary for the Department to review and make a determination on the proposed project.*

7. Concerns about operations at the Operation and Maintenance Facility

*MDE Response: The O&M facility is proposed in a working commercial harbor and is consistent with current marine use. Under the Worcester County zoning regulations, the sites are zoned Commercial Marine which is designated for the commercial fishing industry and “commercial, industrial, and recreational uses which of necessity must be located in close proximity to waterfront areas.” In addition, the O&M facility would be located within the West Ocean City Harbor which is characterized as an Intensely Developed Area under the MD DNR Critical Area Program.*

*Special Condition G requires the submission of a Stormwater Pollution Prevention Plan (SWPPP) for the proposed Operations and Maintenance facility to the Water and Science Administration, Tidal Wetlands Division, for review and approval prior to the commencement of operations at the facility. Special Condition H requires the submission of a General Discharge Permit application to the Water and Science Administration, Industrial Discharge Permits Division for review and approval, as determined necessary, prior to the commencement of work at the facility. Special condition*

7.1. Will there be hour limits on the boats coming and going?

*MDE Response: No, there will be no time limit recommendations for the boats coming and going as this is not something required for any other vessels currently using the commercial harbor and is not part of our jurisdictional purview, but it may be part of the local permitting and zoning authority regulations governing a commercial harbor or marina.*

7.2. What is the purpose of the pier?

- Is it only for moving tools to and from the wind turbines?
- Are the wind turbine tools only for Delaware work?

*US Wind Response: The O&M Facility and pier will support the transfer of technicians, tools, and spare parts for the operation of the offshore wind farm. The pier will be primarily used by dedicated CTVs specifically designed for this work, although survey or scout vessels employed by the project may occasionally use the O&M Facility.*

7.3. Will there be utilities and where on the pier?

*MDE/US Wind Response: Yes, utilities such as water and electricity are likely to be present on the pier. The locations of utilities should be included in construction plans which will need to be reviewed and approved by the appropriate local government entity.*

7.4. Will there be fueling of vessels or equipment on the pier? Will there be any hazardous waste such as fuels, solvents, or lubricants stored, loaded, or unloaded on the pier?

*US Wind/MDE Response: Yes. Fueling of vessels will likely be fueled by trucks. US Wind will be required to coordinate with the Department’s Wastewater Permits Program to determine the need for an Industrial Discharge Permit for the activities proposed at this location*

*(Special Condition H).*

7.5. Will sewage be removed from vessels while moored?

*US Wind Response: Yes, vessels will likely have sewage removed by truck.*

7.6. Will there be a stormwater management plan for the runoff from the pier?

*MDE Response: US Wind will be required to develop a Stormwater Pollution Prevention Plan (SWPPP) and submit an application to MDE's Industrial Discharge Permits Division for determination if their operations will require an Industrial Discharge Permit from the Department. If it is required, US Wind shall obtain the applicable Permit prior to commencement of operations (Special Condition G, H, and L).*

7.7. Will there be structures on the pier?

*US Wind Response: No structures are proposed on the pier.*