



Caesar Rodney Institute
Center for Energy & Environment
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Dear Mayor Magdeburger
Town of Fenwick Island

7/31/2025

As you know we have been fighting the flawed federal and state permits for the US Wind offshore wind projects with legal actions. To summarize the state battles:

- 1) We have appealed to the Delaware Superior Court the DNREC permit to bring power ashore at 3Rs beach, as it ignores or misapplies statutory and regulatory criteria, as well as restrictions in the Delaware Coastal Zone Act. That appeal is about to begin review of the voluminous record and engage in briefing. Fenwick Island is a named plaintiff in this litigation.
- 2) DNREC granted subaqueous lands and wetlands permits to bury cables under the Indian River Bay ignoring strong recommendations from both the US Environmental Protection Agency and National Marine Fisheries Service. DNREC's administrative process violated due process, did not consider required regulatory criteria and the permits issued were ultimately based upon documents from US Wind submitted well after the public record had closed. We have a pending Appeal before the Delaware Environmental Appeals Board that has required several pre-hearing motions, which CRI prevailed upon, and will require significant preparation for the hearing on the merits. Fenwick Island is a named plaintiff in this litigation.
- 3) The federal permit from the Bureau of Ocean Energy Management (BOEM) required a determination by DNREC that the project was consistent with Delaware's Coastal Zone Management Act. DNREC claimed there was consistency but the final review was flawed and is being challenged with an appeal to the Delaware Environmental Appeals Board (EAB), as well as federally.
- 4) CRI took an active role in arguing for Sussex County Council's denial of the inland substation permit, and continues to monitor this issue in light of the pending appeal by US Wind as well as SB 159.

Preparation for all these actions continues to require paid efforts by the legal counsel. This is to request Fenwick Island's consideration for financial help in funding our Ocean Legal Defense Fund. Any funds donated are only used for legal defense. Should the federal government take action which finally repeals the US Wind permits, and make the legal actions moot, we will return any unspent funds. We look forward to your favorable consideration of this request. Please let me know if additional information is needed.

Sincerely,

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