



ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

In re US Wind Inc. – Maryland Offshore Wind Project
Maryland Permit-to-Construct No. 047-0248; PSD Approval No. PSD-2024-01; NSR Approval No. NSR-2024-01
OCS Appeal No. 25-01

ORDER STAYING DEADLINE TO RE-ISSUE NOTICE AND SCHEDULING ORDER

February 10, 2026

Before Environmental Appeals Judges Aaron P. Avila and Ammie Roseman-Orr.

Per Curiam:

Pending before the Environmental Appeals Board are two motions, one from US Wind, Inc., and the other from the Maryland Department of the Environment (“MDE”). The parties request that the proceedings in the above-captioned matter be held in abeyance and that the deadline set in the Board’s January 13, 2026, Order on Motion for Clarification and Setting Deadline to Re-Issue Notice and Briefing Schedule, for MDE to re-issue notice of its final permit decision be stayed. MDE’s Motion for Abeyance of Proceedings and Stay of Order Requiring Republication of Notice (Feb. 6, 2026) (“MDE Mot.”); US Wind, Inc.’s Motion to Hold Case in Abeyance and Stay Order Requiring Republication of Notice (Feb. 9, 2026) (“US Wind Mot.”). MDE and US Wind maintain that holding the proceedings in abeyance is appropriate because

they have each filed an interlocutory appeal of the Board’s Order Affirming Board Jurisdiction with the United States Court of Appeals for the Fourth Circuit (“Fourth Circuit”), and that the jurisdictional question before the Fourth Circuit is directly related to the resolution of the matter before the Board. MDE Mot. attaches. 1 and 2; *id.* at 3; US Wind Mot. at 3. MDE and US Wind also argue that they would suffer “irreparable harm by being forced to participate in a proceeding” they may not be bound to partake in, MDE Mot. at 3, and by potentially being “subject to additional legal challenges as a result of an artificially extended appeal deadline,” US Wind Mot. at 4. *See also* MDE Mot. at 3 (arguing that requiring it to re-issue notice would create irreparable legal consequences as it would restart the statute of limitations for appeal and potentially result in unwarranted petitions). According to MDE, Petitioners (the Mayor and City Council of Ocean City and the Commissioners of Worcester County, Maryland) take no position on MDE’s motion. MDE Mot. at 5. US Wind represents that Petitioners oppose the relief requested in US Wind’s motion. US Wind Mot. at 4.

Considering the pending motions, the Board determines that a stay of the deadline for MDE to re-issue notice of its final permit decision is appropriate. The deadline for re-issuance of notice and related briefing schedule outlined in the Board’s January 13, 2026 order is hereby **STAYED** until further order of the Board. Petitioners may file and serve a response to the two pending motions, if they so choose, on or before **Friday, February 20, 2026**.

So ordered.

CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Order Staying Deadline to Re-Issue Notice and Scheduling Order* in the matter of US Wind Inc. – Maryland Offshore Wind Project, OCS Appeal No. 25-01, were sent to the following persons on February 10, 2026, in the manner indicated:

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