

## Supplee, Gwendolyn

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**From:** Finn, Cara (she/her/hers) on behalf of Fernandez, Cristina (she/her/hers)  
**Sent:** Wednesday, December 11, 2024 6:53 AM  
**To:** sarah.stokely@boem.gov  
**Cc:** Supplee, Gwendolyn; Payne, Katharine; gwen.davis@delaware.gov; sarah.carr@delaware.gov; dixie.henry@maryland.gov; tnowak@mdp.state.md.us; becky.roman@maryland.gov; mht.section106@maryland.gov; roger.kirchen@dhr.virginia.gov; adrienne.birge-wilson@dhr.virginia.gov; CDANIEL@ACHP.GOV; Laura.Schnitzer@boem.gov; sarah.stokely@boem.gov; Lorena.Edenfield@boem.gov; Charissa.Hogan@boem.gov; Kirby.Rootes-murdy@boem.gov; Privacy@delawaretribe.org; Privacy@delawaretribe.org; Privacy@delawaretribe.org; Privacy@delawaretribe.org; Privacy@delawarenation-nsn.gov; Privacy@delawarenation-nsn.gov; Robert.Ehemann@delaware.gov; Jennifer.Holmes@delaware.gov; Taylor.Reynolds@delaware.gov; Brooks.Cahall@delaware.gov; Privacy@uswindinc.com  
**Subject:** Maryland Offshore Wind Project - EPA NHPA MOA  
**Attachments:** NHPA MOA EPA Letter 12.10.24.pdf

Dear Sarah Stokely and Maryland Offshore Wind MOA Signatories,

As required by Section 328(a)(1) of the Clean Air Act (“the Act”), the Environmental Protection Agency (“EPA”) establishes requirements to control air pollution from outer continental shelf (“OCS”) sources in order to attain and maintain Federal and State ambient air quality standards and to comply with the provisions of part C of title I of the Act. These requirements for the Maryland Offshore Wind Project will be established in a federal air permit issued by Maryland Department of the Environment (MDE) under delegation of authority from the EPA. MDE’s issuance of a federal air permit for the Project, pursuant to MDE’s delegated authority from the EPA, is a federal undertaking under the NHPA.

The EPA has identified that the scope of the Project subject to the OCS federal air permit to be issued by MDE (MDE’s proposed action) is within the scope of the undertaking addressed in *A Memorandum of Agreement Among the Bureau of Ocean Energy Management, Delaware Nation, Delaware Tribe of Indians, The Delaware Department of Natural Resources and Environmental Control, The Delaware State Historic Preservation Officer, The Maryland State Historic Preservation Officer, US Wind Inc., and the Advisory Council on Historic Preservation Regarding the Maryland Offshore Wind Project (MOA)*, executed March 25, 2024. The EPA intends to fulfill its National Historic Preservation Act Section 106 (Section 106) responsibilities by concurring with the terms of the MOA.

**With the attached letter, the EPA hereby notifies BOEM, as lead agency, and all MOA signatories that the EPA concurs with and agrees to the terms of the MOA and requests to become a concurring party to the MOA as provided for in MOA Section XVI., Coordination with Other Federal Agencies, clause A. Accordingly, the EPA requests a written response from the signatories within 30 calendar days of this letter.**

If you need additional information to support your review, please do not hesitate to contact me or have your staff contact Ms. Gwendolyn Supplee, Senior Permit Specialist, Air and Radiation Division, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103, at (215) 814-2763 or [Supplee.Gwendolyn@epa.gov](mailto:Supplee.Gwendolyn@epa.gov)

**Cristina Fernández**

Division Director

US Environmental Protection Agency, Region 3

Air & Radiation Division (3AD00)

1600 John F Kennedy Blvd

Philadelphia, PA 19103

**Phone:** 215-814-2178

**Email:** [fernandez.cristina@epa.gov](mailto:fernandez.cristina@epa.gov)



### REGION 3

PHILADELPHIA, PA 19103

December 10, 2024

Sarah Stokely  
Lead Historian and Section 106 Chief  
Office of Renewable Energy Programs  
Bureau of Ocean Energy Management  
1849 C Street, NW  
Washington, D.C. 20240

SUBJECT: Maryland Offshore Wind Project – U.S. Environmental Protection Agency (EPA) Compliance with Section 106 of the National Historic Preservation Act and Request to Become a Concurring Party to Executed Memorandum of Agreement

Dear Ms. Stokely:

As required by Section 328(a)(1) of the Clean Air Act ("the Act"), the Environmental Protection Agency ("EPA") establishes requirements to control air pollution from outer continental shelf ("OCS") sources in order to attain and maintain Federal and State ambient air quality standards and to comply with the provisions of part C of title I of the Act. These requirements for the Maryland Offshore Wind Project will be established in a federal air permit issued by Maryland Department of the Environment (MDE) under delegation of authority from the EPA.

The Project will require a federal air permit because it is proposing to construct an OCS source subject to section 328 of the CAA, 42 U.S.C. § 7401 et seq. On April 4, 2014, the EPA delegated its authority to issue a federal air permit for all OCS sources within 25 miles from the state seaward boundary to MDE, pursuant to the EPA's authority under 328(a)(3) of the CAA. MDE, therefore, will issue the federal OCS permit for US Wind pursuant to its delegated air permitting authority. A copy of the delegation to MDE, that more fully explains MDE's role and the scope of the delegation, is attached for your reference. However, there are certain other requirements under the National Historic Preservation Act (NHPA) related to this project that have not been delegated and remain to be carried out by the EPA.

As you know, the Project involves the construction, operation, and eventual decommissioning of an offshore wind power facility consisting of up to 121 wind turbine generators, up to 4 offshore substations, with a maximum electric general output of 2,200 megawatts. The project would be within the area of the OCS covered by Bureau of Ocean Energy Management (BOEM) Renewable Energy Lease No. OCS-A 0490, approximately 8.7 nautical miles offshore from Maryland and approximately 9 nautical miles from Sussex County, Delaware, at its closest points to shore. The scope of the EPA's

action is limited to these aforementioned components of the project that will be located on the OCS beyond the state seaward boundaries of Maryland and Delaware. For informational purposes we note that there are additional project components which are outside of the scope of the OCS air permit and these include: offshore export cables within an offshore export cable corridor (OECC); proposed interconnection location for the Project at the Indian River substation near Millsboro, Delaware; onshore export cables in an onshore export cable route (OECR); three onshore substations with buried connection lines to the existing Indian River Substation near Millsboro, Delaware; an Operations and Maintenance facility in Ocean City, Maryland, and other project components in state waters of Maryland and Delaware as well as onshore near Tower's Beach, Delaware and 3R's Beach, Delaware.

Section 106 of the NHPA, 16 U.S.C. 470f, and the implementing regulations at 36 C.F.R. Part 800 require federal agencies to consider the effect of their actions on historic properties and afford the opportunity for the Advisory Council on Historic Preservation (ACHP) and consulting parties to consult on the federal undertaking. MDE's issuance of an OCS federal air permit for the Project, pursuant to MDE's delegation of authority from the EPA, is a federal undertaking under the NHPA.

MDE's proposed action, a federal air permit, is for the same undertaking analyzed by BOEM in the Final Environmental Impact Statement (FEIS) for the Maryland Offshore Wind Project prepared pursuant to the National Environmental Policy Act (NEPA) (July 2024, BOEM 2024-0033), approved in the Maryland Offshore Wind Project Record of Decision (September 2024), and in the approval of the Construction and Operations Plan (December 2024)<sup>1</sup>

The EPA has identified that the scope of the Project subject to the federal air permit to be issued by MDE (MDE's proposed action), under delegation of authority from the EPA, is within the scope of the undertaking addressed in a *Memorandum of Agreement Among the Bureau of Ocean Energy Management, Delaware Nation, Delaware Tribe of Indians, The Delaware Department of Natural Resources and Environmental Control, The Delaware State Historic Preservation Officer, The Maryland State Historic Preservation Officer, The Virginia State Historic Preservation Officer, US Wind Inc., and The Advisory Council on Historic Preservation Regarding the Maryland Offshore Wind Project* (MOA) signed by BOEM on August 21. The EPA intends to fulfill its National Historic Preservation Act Section 106 (Section 106) responsibilities by concurring with the terms of the MOA.

The EPA has independently reviewed BOEM's Maryland Offshore Wind Section 106 findings and the MOA and concluded that the undertaking analyzed in the Section 106 review and consultation process is the same undertaking for which MDE proposes to issue a federal air permit under delegation of authority from the EPA. The issuance of an OCS federal air permit to US Wind would not add to or modify the undertaking addressed by BOEM under Section 106. Furthermore, the issuance of a federal air permit by MDE under delegation of authority from the EPA would not change the undertaking in a manner that would require any modifications to the stipulations set forth in the MOA.

The EPA hereby notifies BOEM, as lead agency, and all MOA signatories that the EPA concurs with and agrees to the terms of the MOA and requests to become a concurring party to the MOA as provided for in MOA Section XVII., Coordination with Other Federal Agencies, clause A. Accordingly, the EPA requests a written response from the signatories within 30 calendar days of this letter.

If you have any questions, please do not hesitate to contact me or have your staff contact Ms. Gwendolyn Supplee, Senior Permit Specialist, Air and Radiation Division, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103, at (215) 814-2763 or Supplee.Gwendolyn@epa.gov.

Sincerely,

**CRISTINA  
FERNANDEZ**

Digitally signed by  
CRISTINA FERNANDEZ  
Date: 2024.12.10  
15:11:43 -05'00'

Cristina Fernandez  
Air Division Director

**Enclosures**

**Maryland Part 55 Delegation**

cc:

Laura Schnitzer, Bureau of Ocean Energy Management

Lorena Edenfield, Bureau of Ocean Energy Management

Charissa Hogan, Bureau of Ocean Energy Management

Kirby Rootes-Murdy, Bureau of Ocean Energy Management

Gwen Davis, Delaware State Historic Preservation Office

Sarah Carr, Delaware State Historic Preservation Office

Dixie Henry, Maryland Historical Trust

Troy Nowak, Maryland Historical Trust

Becky Roman, Maryland Historical Trust

MHT Section 106

Roger Kirchen, Virginia Department of Historic Resources

Adrienne Birge-Wilson, Virginia Department of Historic Resources

Christopher Daniel, Advisory Council on Historic Preservation

Susan Bachor, Delaware Tribe of Indians

Martina Thomas, Delaware Tribe of Indians

J Maurer, Delaware Tribe of Indians

Tribe, Delaware Tribe of Indians

Carissa Speck, Delaware Nation

Delaware Nation Section 106, Delaware Nation

Katelyn Lucas, Delaware Nation

Robert Ehemann, Delaware Department of Natural Resources and Environmental Control

Jennifer Holmes, Delaware Department of Natural Resources and Environmental Control

Taylor Reynolds, Delaware Department of Natural Resources and Environmental Control

Brooks Cahall, Delaware Department of Natural Resources and Environmental Control

Laurie Jodziewicz, US Wind Inc.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

APR 04 2014

The Honorable Robert M. Summers, Secretary  
Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore, Maryland 21230

Dear Secretary Summers: *Bob*

Thank you for your January 8, 2014 letter to the U.S. Environmental Protection Agency (EPA) requesting formal delegation of authority for the implementation, administration, and enforcement of the requirements of the Outer Continental Shelf (OCS) regulations within 25 miles of Maryland's seaward boundary. In response, EPA intends to grant the Maryland Department of the Environment (MDE) formal delegation of authority to implement and enforce OCS Regulations, pursuant to section 328(a)(3) of the Clean Air Act. As established in the Code of Federal Regulations, Title 40, Part 55 (40 CFR Part 55), EPA will delegate implementation and enforcement authority to a state if the state has an adjacent OCS source, and EPA determines that the state's regulations are adequate. EPA has determined that delegation to a state shall be immediately effective upon EPA's receipt of a notice of intent (NOI) to construct an OCS source to be adjacent to that state.

The delegation will include the authority for the following sections of 40 CFR Part 55, as exists on July 1, 2013:

- 55.1 Statutory authority and scope.
- 55.2 Definitions.
- 55.3 Applicability.
- 55.4 Requirements to submit a notice of intent.
- 55.6 Permit requirements.
- 55.7 Exemptions.
- 55.8 Monitoring, reporting, inspections, and compliance.
- 55.9 Enforcement.
- 55.10 Fees.
- 55.13 Federal requirements that apply to OCS sources.
- 55.14 Requirements that apply to OCS sources located within 25 miles of States' seaward boundaries, by State.
- 55.15 Specific designation of corresponding onshore areas.



- Appendix A to Part 55—Listing of State and Local Requirements Incorporated by Reference Into Part 55, by State.

EPA is not delegating the authority to implement and enforce 40 CFR Part 55.5 (Corresponding onshore area designation), 55.11 (Delegation), and 55.12 (Consistency updates), as authority for these sections is reserved for the Administrator. As stated in 40 CFR Part 55.11(b), EPA shall delegate implementation and enforcement authority if it is determined that the State's regulations are adequate, including a demonstration by the state that the state has:

- (1) Adopted the appropriate portions of 40 CFR Part 55 into state law;
- (2) Submitted a letter from the State Attorney General confirming that Maryland has adequate authority under the state law to implement and enforce the relevant portions of 40 CFR Part 55;
- (3) Adequate resources to implement and enforce the requirements of 40 CFR Part 55; and
- (4) Adequate administrative procedures to implement and enforce the requirements of this part, including public notice and comment procedures.

EPA has reviewed MDE's delegation request and concludes that it meets the requirements for delegation. Therefore, delegation will be effective on the date EPA receives a NOI of constructing an OCS source adjacent to Maryland. On this date, MDE will automatically be authorized to implement, administer, and enforce the sections of 40 CFR Part 55 listed above for the OCS sources in which Maryland will be the corresponding onshore area.

I appreciate MDE's efforts to implement the OCS regulations and look forward to working with you to foster the growth of alternative energy projects in Maryland. If you have any questions, please do not hesitate to contact me or have your staff contact Ms. Linda Miller, Maryland Liaison, at 215-814-2068.

Sincerely,

**Privacy**

Shawn M. Garvin  
Regional Administrator





## Supplee, Gwendolyn

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**From:** Stokely, Sarah C <Sarah.Stokely@boem.gov>  
**Sent:** Friday, January 10, 2025 9:02 AM  
**To:** Supplee, Gwendolyn  
**Cc:** Payne, Katharine; Opila, MaryCate; Hogan, Charissa T; Schnitzer, Laura K  
**Subject:** RE: [EXTERNAL] FW: Maryland Offshore Wind Project - EPA NHPA MOA

**Caution:** This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Thank you, Gwen.

I am confirming that BOEM did not receive any comments or questions regarding EPA's request to be a concurring party.

I don't have any follow up questions or comments for EPA. BOEM looks forward to receiving EPA's signed signature page.

Sarah

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**From:** Supplee, Gwendolyn <Supplee.Gwendolyn@epa.gov>  
**Sent:** Friday, January 10, 2025 8:29 AM  
**To:** Stokely, Sarah C <Sarah.Stokely@boem.gov>  
**Cc:** Payne, Katharine <Payne.Katharine@epa.gov>; Opila, MaryCate <Opila.MaryCate@epa.gov>; Hogan, Charissa T <Charissa.Hogan@boem.gov>; Schnitzer, Laura K <Laura.Schnitzer@boem.gov>  
**Subject:** RE: [EXTERNAL] FW: Maryland Offshore Wind Project - EPA NHPA MOA

Hi Sarah –

I'm sending this email to confirm that EPA Region 3 has not received any comments regarding its' request to be a concurring party to the MOA for Section 106 National Historic Preservation Act requirements for the US Wind project. Our Division Director plans to sign the agreement signature page on Monday morning, and we will send the signed signature page to you for the next steps. Please let me know if you have any questions or need any additional information to add EPA as a concurring party to the Section 106 MOA.

Many thanks.  
-gwen



Gwendolyn K. Supplee (She, her, hers)  
Senior Permit Specialist/Life Scientist  
U.S. Environmental Protection Agency, Region 3  
Permits Branch (3AD10)  
Air & Radiation Division  
Phone 215-814-2763  
Email [supplee.gwendolyn@epa.gov](mailto:supplee.gwendolyn@epa.gov)



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From: Stokely, Sarah C <[Sarah.Stokely@boem.gov](mailto:Sarah.Stokely@boem.gov)>

Sent: Tuesday, January 07, 2025 2:00 PM

To: Supplee, Gwendolyn <[Supplee.Gwendolyn@epa.gov](mailto:Supplee.Gwendolyn@epa.gov)>

Cc: Payne, Katharine <[Payne.Katharine@epa.gov](mailto:Payne.Katharine@epa.gov)>; Opila, MaryCate <[Opila.MaryCate@epa.gov](mailto:Opila.MaryCate@epa.gov)>; Hogan, Charissa T <[Charissa.Hogan@boem.gov](mailto:Charissa.Hogan@boem.gov)>; Schnitzer, Laura K <[Laura.Schnitzer@boem.gov](mailto:Laura.Schnitzer@boem.gov)>

Subject: RE: [EXTERNAL] FW: Maryland Offshore Wind Project - EPA NHPA MOA

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Hi Gwen

BOEM will not be sending any comments by the end of this review period. And, BOEM has not received any questions or comments regarding EPA's request to sign the MOA as a concurring party.

These are the next steps:

- EPA ad BOEM reconfirm and clarify with each agency if any comments are received by the end of the 30-calendar review period (January 10, 2025).
- EPA signs the agreement signature page as a concurring party.
- After BOEM receives EPA's signed signature page, BOEM will notify the signatories, invited signatories and consulting parties pursuant to Stipulation XIX.B Coordination with Other Federal Agencies:

If the signatories approve the Federal agency's request to be a signing party to this MOA, an amendment under Stipulation XIV (Amendments) will not be necessary if the Federal agency's participation does not change the undertaking in a manner that would require any modifications to the stipulations set forth in this MOA. BOEM will document these conditions and involvement of the Federal agency in a written notification to the signatories, and consulting parties, and include a copy of the Federal agency's executed signature page, which will codify the addition of the Federal agency as a signing party in lieu of an amendment.

Please let me know if you have any questions.

Thanks,

Sarah

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From: Supplee, Gwendolyn <[Supplee.Gwendolyn@epa.gov](mailto:Supplee.Gwendolyn@epa.gov)>

Sent: Tuesday, January 7, 2025 1:32 PM

To: Stokely, Sarah C <[Sarah.Stokely@boem.gov](mailto:Sarah.Stokely@boem.gov)>

Cc: Payne, Katharine <[Payne.Katharine@epa.gov](mailto:Payne.Katharine@epa.gov)>; Opila, MaryCate <[Opila.MaryCate@epa.gov](mailto:Opila.MaryCate@epa.gov)>; Hogan, Charissa T <[Charissa.Hogan@boem.gov](mailto:Charissa.Hogan@boem.gov)>

Subject: [EXTERNAL] FW: Maryland Offshore Wind Project - EPA NHPA MOA

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Hi Sarah –

I wanted to follow up on EPA Region 3's request to become a concurring party to the executed MOA to fulfill its National Historic Preservation Act Section 106 (Section 106) obligations for the US Wind Offshore Wind development off the coast of Maryland. I believe the 30-day period ends on January 9<sup>th</sup> for responses to EPA's request to become a concurring party. To date, EPA has not received anything from the signatories to the MOA. Should we anticipate seeing something from BOEM by the end of the week? We would like to coordinate getting our Division Director's signature for the MOA as a concurring party. Please let me know if you have any updates or need any additional information regarding EPA's request.

Thanks, and Happy New Year!

-gwen



**Gwendolyn K. Supplee (She, her, hers)**  
Senior Permit Specialist/Life Scientist  
U.S. Environmental Protection Agency, Region 3  
Permits Branch (3AD10)  
Air & Radiation Division  
Phone 215-814-2763  
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**From:** Finn, Cara (she/her/hers) <[Finn.Cara@epa.gov](mailto:Finn.Cara@epa.gov)> **On Behalf Of** Fernandez, Cristina (she/her/hers)

**Sent:** Wednesday, December 11, 2024 6:53 AM

**To:** [sarah.stokely@boem.gov](mailto:sarah.stokely@boem.gov)

**Cc:** Supplee, Gwendolyn <[Supplee.Gwendolyn@epa.gov](mailto:Supplee.Gwendolyn@epa.gov)>; Payne, Katharine <[Payne.Katharine@epa.gov](mailto:Payne.Katharine@epa.gov)>;

[gwen.davis@delaware.gov](mailto:gwen.davis@delaware.gov); [sarah.carr@delaware.gov](mailto:sarah.carr@delaware.gov); [dixie.henry@maryland.gov](mailto:dixie.henry@maryland.gov); [tnowak@mdp.state.md.us](mailto:tnowak@mdp.state.md.us);

[becky.roman@maryland.gov](mailto:becky.roman@maryland.gov); [mht.section106@maryland.gov](mailto:mht.section106@maryland.gov); [roger.kirchen@dhr.virginia.gov](mailto:roger.kirchen@dhr.virginia.gov); [\[wilson@dhr.virginia.gov\]\(mailto:wilson@dhr.virginia.gov\); \[CDANIEL@ACHP.GOV\]\(mailto:CDANIEL@ACHP.GOV\); \[Laura.Schnitzer@boem.gov\]\(mailto:Laura.Schnitzer@boem.gov\); \[sarah.stokely@boem.gov\]\(mailto:sarah.stokely@boem.gov\);](mailto:adrienne.birge-</a></p></div><div data-bbox=)

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[Brooks.Cahall@delaware.gov](mailto:Brooks.Cahall@delaware.gov); [Privacy@uswindinc.com](mailto:Privacy@uswindinc.com)

**Subject:** Maryland Offshore Wind Project - EPA NHPA MOA

Dear Sarah Stokely and Maryland Offshore Wind MOA Signatories,

As required by Section 328(a)(1) of the Clean Air Act ("the Act"), the Environmental Protection Agency ("EPA") establishes requirements to control air pollution from outer continental shelf ("OCS") sources in order to attain and maintain Federal and State ambient air quality standards and to comply with the provisions of part C of title I of the Act. These requirements for the Maryland Offshore Wind Project will be established in a federal air permit issued by Maryland Department of the Environment (MDE) under delegation of authority from the EPA. MDE's issuance of a federal air permit for the Project, pursuant to MDE's delegated authority from the EPA, is a federal undertaking under the NHPA.

The EPA has identified that the scope of the Project subject to the OCS federal air permit to be issued by MDE (MDE's proposed action) is within the scope of the undertaking addressed in *A Memorandum of Agreement*

*Among the Bureau of Ocean Energy Management, Delaware Nation, Delaware Tribe of Indians, The Delaware Department of Natural Resources and Environmental Control, The Delaware State Historic Preservation Officer, The Maryland State Historic Preservation Officer, US Wind Inc., and the Advisory Council on Historic Preservation Regarding the Maryland Offshore Wind Project (MOA), executed March 25, 2024. The EPA intends to fulfill its National Historic Preservation Act Section 106 (Section 106) responsibilities by concurring with the terms of the MOA.*

**With the attached letter, the EPA hereby notifies BOEM, as lead agency, and all MOA signatories that the EPA concurs with and agrees to the terms of the MOA and requests to become a concurring party to the MOA as provided for in MOA Section XVI., Coordination with Other Federal Agencies, clause A. Accordingly, the EPA requests a written response from the signatories within 30 calendar days of this letter.**

If you need additional information to support your review, please do not hesitate to contact me or have your staff contact Ms. Gwendolyn Supplee, Senior Permit Specialist, Air and Radiation Division, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103, at (215) 814-2763 or [Supplee.Gwendolyn@epa.gov](mailto:Supplee.Gwendolyn@epa.gov)

**Cristina Fernández**

Division Director

US Environmental Protection Agency, Region 3

Air & Radiation Division (3AD00)

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Philadelphia, PA 19103

**Phone:** 215-814-2178

**Email:** [fernandez.cristina@epa.gov](mailto:fernandez.cristina@epa.gov)

1. **Introduction**

Christopher Daniel (he/him/his)

Dear Sarah Stokely and Maryland Offshore Wind MOA Signatories,

As required by Section 328(a)(1) of the Clean Air Act ("the Act"), the Environmental Protection Agency ("EPA")

Act. These requirements for the Maryland Offshore Wind Project will be established in a federal air permit issued by Maryland Department of the Environment (MDE) under delegation of authority from the EPA. MDE's issuance of a federal air permit for the Project, pursuant to MDE's delegated authority from the EPA, is a federal undertaking under the NHPA.

The EPA has identified that the scope of the Project subject to the OCS federal air permit to be issued by MDE (MDE's proposed action) is within the scope of the undertaking addressed in *A Memorandum of Agreement Among the Bureau of Ocean Energy Management, Delaware Nation, Delaware Tribe of Indians, The Delaware Department of Natural Resources and Environmental Control, The Delaware State Historic Preservation Officer, The Maryland State Historic Preservation Officer, US Wind Inc., and the Advisory Council on Historic Preservation Regarding the Maryland Offshore Wind Project (MOA)*, executed March 25, 2024. The EPA intends to fulfill its National Historic Preservation Act Section 106 (Section 106) responsibilities by concurring with the terms of the MOA.

**With the attached letter, the EPA hereby notifies BOEM, as lead agency, and all MOA signatories that the EPA concurs with and agrees to the terms of the MOA and requests to become a concurring party to the MOA as provided for in MOA Section XVI., Coordination with Other Federal Agencies, clause A. Accordingly, the EPA requests a written response from the signatories within 30 calendar days of this letter.**

If you need additional information to support your review, please do not hesitate to contact me or have your staff contact Ms. Gwendolyn Supplee, Senior Permit Specialist, Air and Radiation Division, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103, at (215) 814-2763 or [Supplee.Gwendolyn@epa.gov](mailto:Supplee.Gwendolyn@epa.gov)

**Cristina Fernández**

Division Director

US Environmental Protection Agency, Region 3

Air & Radiation Division (3AD00)

1600 John F Kennedy Blvd

Philadelphia, PA 19103

**Phone:** 215-814-2178

**Email:** [fernandez.cristina@epa.gov](mailto:fernandez.cristina@epa.gov)

**MEMORANDUM OF AGREEMENT  
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT,  
DELAWARE NATION, DELAWARE TRIBE OF INDIANS, THE DELAWARE DEPARTMENT  
OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, THE DELAWARE STATE  
HISTORIC PRESERVATION OFFICER, THE MARYLAND STATE HISTORIC  
PRESERVATION OFFICER, THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER,  
US WIND INC., AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING THE MARYLAND OFFSHORE WIND PROJECT  
(LEASE NO. OCS-A 0490)**

Concurring Party:

**CRISTINA  
FERNANDEZ**

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CRISTINA FERNANDEZ  
Date: 2025.01.13  
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Date: 01/13/25

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Cristina Fernandez  
Air & Radiation Division Director  
EPA Region 3