

Section 13. COMPENSATION

As noted in Section 9, the Project will create 59,153 square feet (sf) of permanent direct freshwater wetland impacts due to construction for access roads and crane paths. Since the direct impacts are greater than 15,000 sf, per Chapter 310, Section 5.C of the MDEP Wetlands and Waterbodies Protection rule, compensation is required to offset the lost functions and values of the impacted wetlands.

Unless Downeast Wind identifies appropriate applicant sponsored conservation to mitigate for wetland impacts, it will compensate for wetland impacts through the In-Lieu-Fee (ILF) program. Since the Project is located in Washington County, the ILF Resource Compensation Rate is \$4.25 per square foot of impacted wetland. Downeast Wind will submit this ILF payment to the MDEP prior to the start of construction. ILF calculations are outlined below in Table 13-1. Note that the calculations in Table 13-1 include conversion impacts that require mitigation under applicable federal regulations. Those impacts do not require compensation under NRPA and are provided here for informational purposes only.



Table 13-1. In-Lieu-Fee Calculations

Impact Type	Impact Amount (Sq. Ft.)	Natural Resource Enhancement & Restoration Cost/Sq. Ft.	Assessed Land Valuation/Sq. Ft.	Resource Multiplier	Subtotal
<i>Wetland Compensation Formula:</i> (Direct wetland impact/sq. ft. x (natural resource enhancement & restoration cost/sq. ft. + avg. assessed land valuation/sq. ft.)) x (resource multiplier)					
Wetland alteration involving fill	45,285 sf	\$4.22/sf	\$0.03/sf	1	\$192,461.25
Wetland alteration involving fill	3,187 sf	\$4.22/sf	\$0.03/sf	2 ¹	\$27,089.50
Wetland alteration involving clearing (conversion)	85,779 sf	\$1.266/sf ²	\$0.03/sf	1	\$111,169.58
Wetland alteration involving clearing (conversion)	3,954 sf	\$1.266/sf ²	\$0.03/sf	2 ¹	\$10,248.77
<i>Significant Vernal Pool Compensation Formula:</i> (Direct wetland impacts within the SVP habitat/sq. ft. x (natural resource enhancement & restoration cost/sq. ft. + avg. assessed land valuation/sq. ft.)) x (resource multiplier of 2) + (Direct non-wetland impacts within the SVP habitat/sq. ft. x avg. assessed land valuation/sq. ft.)					
SVP wetland alteration involving fill	826 sf	\$4.22/sf	\$0.03/sf	2	\$7,021.00
SVP non-wetland alteration involving fill	32,359 sf	n/a	\$0.03/sf	n/a	\$970.77
<i>Inland Wading Bird and Waterfowl Compensation Formula:</i> (Direct wetland impacts within the IWWH/sq. ft. x (natural resource enhancement & restoration cost/sq. ft. + avg. assessed land valuation/sq. ft.)) x (resource multiplier of 2) + (Direct non-wetland impacts within the IWWH/sq. ft. x avg. assessed land valuation/sq. ft.)					
IWWH wetland alteration involving fill	9,855 sf	\$4.22/sf	\$0.03/sf	2	\$83,767.50
IWWH non-wetland alteration involving fill	162,467 sf	n/a	\$0.03/sf	n/a	\$4,874.01
Total ILF Compensation					\$437,602.38

¹ A multiplier of 2 was used (as guided by the MDEP ILF Fact Sheet) for impacts to four wetland areas that are considered wetlands of special significance due to containing at least 20,000 sf of aquatic vegetation, emergent marsh vegetation, or open water.

² A 70% discount was used based on the ACOE Compensatory Mitigation Guidance published in 2020.