

To the New Jersey Board of Public Utilities

June 8, 2021

Regarding a Power Level for the Atlantic Shores Offshore Wind Project

Dears Sirs,

This submittal is on behalf of the Long Beach Island (LBI) Coalition for Wind Without Impact. We are a growing group of several hundred residents, visitors and business interests generally supportive of offshore wind energy as long as it is done sensibly and with genuine consideration of its environmental impact.

We understand that the New Jersey Board of Public Utilities (BPU) will be approving a power level for the Atlantic Shores Offshore Wind project on June 24, 2021. For the reasons cited below, we urge the Board to postpone such a decision, and if it does not, to limit a power level to no more than 500 megawatts.

The reasons for that are based on the attached two letters which raise serious environmental issues regarding the suitability of the current lease area, OCS A-0499, to accommodate a significant number of modern wind turbines, and the accuracy of the cost-benefit analysis supporting the project. The issues raised in both letters amplify our prior requests to the NJ BPU not to move forward with project approvals or power purchases that predetermine the number of turbines before the environmental impact statement (EIS) is prepared.

We ask the Board to consider these issues prior to the 24th and would appreciate the opportunity to speak to them then.

Lease Area Suitability

The first attached letter of June 5, 2021 is a request to the U.S. Interior Department to suspend all activities in the OCS A-0499 lease area which starts at just 9 miles off the coast of LBI.

The federal Energy Policy Act of 2005 calls for such suspensions under certain criteria. As shown in the letter, the Bureau of Ocean Energy Management (BOEM) exceeded its authority by limiting those statutory criteria in its regulations, but under federal law suspension of activities is warranted when there is a threat of serious, irreparable harm to the human

or marine environment. As explained in detail in the letter such a threat exists here.

Regarding the human environment, the current lease area is so exceptionally close to shore, starting at 9 miles off Holgate and 10 miles off Barnegat Light, and the several hundred turbines at 853 feet tall so large that there is no place in the lease area where the turbines can be sited and avoid a “dominant” visual effect defined by the BOEM in its own visibility studies as the highest visual effect category. The proposed project will be the most visible modern wind project in the world and will appear as a massive ‘wall’ of industrial structures running the entire length of LBI.

That visual effect will cause serious, adverse socio-economic impacts to the Island’s tourism, rentals, and property values as evidenced by BOEM and other credible studies, and which are quantified for LBI in Enclosure 2 of the letter.

As explained in the letter there is no arrangement of 12 megawatt or higher power turbines within this lease area that can avoid this “dominant” visible impact. However, in an attempt to at least mitigate the visual impact, the BOEM has proposed a turbine exclusion zone of 17.3 miles from shore for New York state projects, which as a matter of equity to New Jersey citizens should also be applied here.

Regarding the marine environment, as explained in detail in the letter, the much higher underwater operational and therefore continual noise levels from the new, larger turbines will, based on the National Oceanic and Atmospheric Administration’s marine mammal noise criteria of 120 decibels (db), disrupt the behavior of the critically endangered North Atlantic Right Whale as it migrates along the outer portion of the lease area, creating a serious and irreparable threat to its already precarious survival. There are less than 360 of these beautiful creatures in existence today and it is classified as “critically” endangered, meaning that it faces an extremely high risk of extinction, and that any further stress to it should be avoided.

As explained in the letter, whales entering the turbine complex will be enveloped by and receive noise levels above 120 db from multiple turbines that will disrupt their behavior. Even for direct drive turbines there is nowhere within an area bounded by four turbines in a square pattern of one-mile sides that the noise level will fall below 120 db. Their own vocalizations for communication and echo-location will also be masked because these noise levels are well above expected background levels. Under these conditions it is extremely difficult to see how they can even find their way

out of the wind complex much less continue their migration, which is essential to calving and which therefore clearly creates an existential threat to them.

Applying the 17.3-mile exclusion zone for visible impact as a minimal mitigating restriction to the inner part of the lease area, and avoiding the right whale's migratory path on the outer part would allow for *at most* two rows of turbines or about 560 megawatts of power.

Cost-Benefit Analysis

The second letter of June 5, 2021 to the USEPA and the NJ BPU presents scientifically based reasons why the sea level rise component of the USEPA's social cost carbon factor should not be used in the project's cost-benefit analysis. As explained in the letter this is because, under the time periods considered and current global projections, the carbon emission reductions from the project only results in a small delay in the onset of future sea level rise levels, not an actual reduction. So, it is unclear what future sea level rise benefit the carbon number result actually represents.

Conclusions

In light of these major environmental constraints and fiscal uncertainties we would again urge the NJ BPU to defer all approvals until the EIS is completed, and revised social cost carbon numbers are available. It is our hope that the gravity of the issues raised here will prompt reflection within the NJ BPU regarding the wisdom of reaching power level decisions before all the environmental issues related to turbine installation and operation are assembled and presented to decision-makers.

If the BPU feels it must do so at this time, we would ask for: (1) a power level no greater than 500 megawatts, (2) the reasons why a power level decision is needed now versus after the EIS, (3) a joint explanation from the BPU and the BOEM as to how this decision will not prejudice the EIS preparation and review process, and (4) a commitment from the BPU to change its power level agreement based on any significant information that comes to light during the EIS process. We again stress that any level above 500 megawatts would require turbine placement that would either jeopardize the right whale or the economic well-being of LBI, or both.

If there are any questions regarding the information in the letters, please feel free to contact me at 917-952-5016 or through drbob232@gmail.com.

Sincerely,

Bob Stern, former Director
Office of Environmental Compliance
U.S. Department of Energy,
on behalf of the Long Beach Island
Coalition for Wind Without Impact

Cc; Amanda Lefton, Director, the BOEM

Attachments,

Letter to Interior Secretary Deb Haaland requesting rule changes and activity suspension within the lease area, June 5, 2021.

Letter to Michael Reagan, USEPA and Joseph L. Fiordaliso, NJBPU, June 5, 2021, requesting changes to project cost-benefit estimates.