

As a New Jersey stakeholder I share my deepest concerns about the legality of the actions of Governor Murphy and the complicity of the Board of Public Utilities to promote a political agenda that is inconsistent with the well-being of New Jerseyans and the coastal environment of New Jersey. The legal basis for the development of the offshore wind projects is Executive Order (EO) 14008, Tackling the Climate Crisis at Home and Abroad. One of the primary goals of EO 14008 is to conserve our lands, waters, and biodiversity through clean energy technologies and infrastructure. While wind energy is presented to the general public as clean energy, the details of the projects present a counterargument to the basic tenets of EO 14008. Each wind turbine generator (WTG) contains 1585 gallons of transformer oil and 146 gallons of general oil, diesel fuel, coolants, refrigerants, grease, paints, and sulfur hexafluoride (SF<sub>6</sub>). Spillage of oils in the WTGs can occur during transportation, construction, maintenance and decommissioning. SF<sub>6</sub> is identified by the Environmental Protection Agency as the most potent greenhouse gas to date. “Over a 100-year period, SF<sub>6</sub> is 22,800 times more effective at trapping infrared radiation and an equivalent amount of carbon dioxide. SF<sub>6</sub> is a very stable chemical with an atmospheric life of 3200 years. As the gas is emitted, it accumulates in the atmosphere in an essentially un-degraded state for many centuries. Thus, a relatively small amount of SF<sub>6</sub> can have a significant impact on global climate change.<sup>1</sup>

Further, the EPA addresses the circumstances that could result in a spillage of SF<sub>6</sub> “SF<sub>6</sub> containing equipment is designed to avoid emitting any of this gas into the atmosphere. However, SF<sub>6</sub> gas can inadvertently escape into the atmosphere as leaks develop during various stages of the equipment’s lifecycle. In some cases, significant leaks can occur from aging equipment. Gas can be released at the time of equipment manufacturing, installation maintenance and services, and de-commissioning.<sup>2</sup>

Due to the scale of installing, maintaining, and decommissioning 1500+ WTGS, the likelihood of spillage is a credible threat to the environment.

This example is just one viable danger raised by the proposed offshore wind farms. All projects will require offshore substations, offshore export cables, offshore substations interconnector cables, onshore substations, onshore export cables and onshore interconnector cables. The combination of these activities will impact the plethora of Resources discussed within the draft Environmental Impact Statement (DEIS) published by the Bureau of Energy Management (BOEM) to include Marine Mammals, Birds, Vessel Navigation, Commercial Fisheries, Birds, and Tourism.

Noteworthy is the fact that DEIS has not been finalized, yet the BPU is filing a solicitation to increase the number of WTGs. These actions clearly represent a political agenda which effectively places the “cart before the horse” and is visible in other procedural initiatives to include the BPU’s vote on September 28, 2022, to allow the confiscation of Green Acres in Ocean City. This vote occurred the day *prior* to the meeting that took place on September 29, 2022, when the public was permitted to submit their concerns and comments. In addition to the legal issues, members of the BPU team exhibited unprofessional behavior during a Zoom meeting on December 13, 2022, when the team made derogatory comments regarding a commenter (Suzanne Hornick) that had requested to speak during the forum. Unfortunately the team members did not realize they were unmuted. In addition, during the same Zoom meeting the text box asked if Barbara McCall (myself) was available for comment, however, the BPU team member altered my name orally to be Barbara “McCackle.” Due to the importance of other issues and the immaturity of the comment I did not acknowledge the offense. At this point in time I kindly advise you to listen to the recorded content of the meeting. This type of conduct

does not demonstrate a singular issue with a particular individual at the BPU. Rather, it is symptomatic of a culture that regards the concerns of the public in a condescending and dismissive manner. The BPU has aligned with the interests of offshore wind companies owned by foreign entities and against New Jerseyans. This unorthodox position implies that those with a controlling influence have been compromised.

Revisiting the DEIS, BOEM acknowledges that a request to *take* marine mammals incidental to construction activities was filed with the National Marine Fisheries Service (NMFS). This request can be authorized under the Marine Mammal Protection Act (MMPA). The issuance of an incidental take authorization is a major federal action and exonerates the offshore wind companies when mammals are injured or killed. Some of the factors driving the anticipated losses include impact pile driving, vibratory pile driving, geophysical surveys, detonations of UXO, vessel traffic, aircraft, cable laying or trenching, and dredging during construction and WTG operation. The New Jersey coast currently hosts at least five marine mammals that are endangered species. The North Atlantic Right Whale is regularly observed in every season and considered a regular visitor to the Project area. The Save Right Whales Coalition has discovered extensive offshore wind projects in Europe are lethal to some marine species to a significant extent. The construction and operation of these projects in the North Atlantic right whale habitat will put this critically-endangered species under even more stress.<sup>3</sup> Physiological effects to all marine mammals include short-term reversible hearing loss and irreversible hearing loss, and behavioral effects include acoustic masking.

It is a logical conclusion that the ambitious scope and time constraints outlined for offshore New Jersey wind farms will lead to the extinction of one or more endangered species and unprecedented damage to the faculties of many marine mammals. As evidence of this

conclusion, within the past few weeks, New Jerseyans have witnessed the death of three whales that have washed ashore in Strathmere, Brigantine and Atlantic City. At the time of these deaths it is noted that vessel Fugro Enterprise has been operating their research and survey vessel off the New Jersey coast in an area consistent with Atlantic Shores (AS) and Ocean Wind (OW) projects. The Fugro Enterprise has a nexus to both offshore wind companies and marine traffic listed their destination as ASOW. The general public is aware of these deaths; however, the question remains as to how many other deaths have occurred and how many will occur in the future. The reality of this phenomenon clearly highlights the illegality of these offshore wind farm projects when compared to the basic tenets of EO 14004.

Within the DEIS, BOEM prepared a *Summary and Comparison of Impacts Among Alternatives with No Mitigation Measures* identified as Table S-2 (Table).<sup>4</sup> The Table presents a No Action Alternative along with proposed actions labeled Alternative A through Alternative E. The first column, No Action Alternative, lists a predetermined range of impacts and serves as the baseline against which all other action alternatives are compared. This baseline is created based on Alternative Impacts (AI) and Alternative Combined with Other Foreseeable Impacts (ACFI). While I credit BOEM for exploring AI and ACFI, the actual baseline should not incorporate projections. BOEM should redefine a true baseline that reflects the current state of Resources based on definitive factual data barring assumptions.

For instance, according to the National Ocean and Atmospheric Administration (NOAA) the amount of revenue from New Jersey commercial fishing has increased each year from 2017 through 2021 with total earnings ranging from \$169,701,007 to \$258,657,952.<sup>5</sup> The commercial fishing industry in Cape May County is one of the largest employers and revenue producers in the County and one of the largest on the East Coast.<sup>6</sup> Government data supports the current

condition of the commercial fishing industries in the State of New Jersey and accordingly should be considered a baseline in the DEIS for the Commercial Fisheries and For-Hire Recreational Fishing category. In the Alternative A through E proposals in the AI category, BOEM indicates that the Project will result in a lesser (AI) impact than the No Action Alternative. Therefore, BOEM presents the conclusion that the commercial fishing industry will improve. Considering the current state of the industry and its economic importance to the State of New Jersey, BOEM needs to present tangible evidence to support the finding that the wind farms projects will *improve* New Jersey's commercial fishing industry.

In addition, BOEM's model indicates that a No Action Alternative creates a moderate to major impact on the Resource of Commercial Fisheries and For-Hire Recreation Fishing while Alternatives A through E create a minor to major *depending on the fishery*. BOEM changed the language in Alternatives A through E to deviate from that used in the No Action Alternative. This alteration compromised the Table because a direct comparison was eliminated. With this caveat, BOEM has concluded that *some* commercial fisheries will be impacted based on their research. BOEM will need to provide fisheries with the details of those specific findings. Furthermore, the alteration within the Table undermines public trust and suggests that findings were contrived to support a foregone conclusion.

In the Resource category of Navigation and Vessel Traffic, BOEM acknowledges that Alternatives A through E will have a major impact. To equate the No Action Alternative with Alternatives A through E, BOEM used the Alternative Combined with Other Foreseeable Impacts to elevate the No Action Alternative to a major impact. This conclusion is untenable based on BOEM's report on vessel traffic attributed to the OW project in the span of one year which includes approximately 1,539 vessel trips during construction and installation, 3,392

vessel trips per year during operations and maintenance and approximately the same number of vessel trips per year during decommissioning as during construction and installation.<sup>7</sup> In order to achieve the predetermined major impact in the No Action Alternative column, BOEM eliminated the instant Project from the equation, but *included* three other wind farm projects. “Under the No Action Alternative, three offshore wind projects in the analysis area, Ocean Wind 2, Atlantic Shores South, and Atlantic Shores North would generate vessel traffic during construction. Only one of these projects, Atlantic Shores South, has a published COP with estimated vessel trip numbers. The Atlantic Shores South project may generate a maximum of 51 vessels at any given time during construction (Atlantic Shores 2021). For the other two projects, BOEM assumed vessel traffic would be similar to that of the Proposed Action: between 20 and 65 vessels operating simultaneously during construction, depending upon the activity (COP, Volume I, Section 6.1, pp. 110–111 and 115–117; Ocean Wind 2022). Atlantic Shores South is estimated to be under construction between 2025 and 2027, and Ocean Wind 2 and Atlantic Shores North are estimated to be under construction between 2026 and 2030. In 2026–2027, when all three projects would be under construction at the same time, a maximum of 181 vessels could be operating simultaneously.”<sup>8</sup>

This interpretation of BOEM’s No Action Alternative, specifically the elimination of Ocean Wind 1 but *inclusion* of three other wind farm projects, directly conflicts with the terminology No Action Alternative, and is a misrepresentation of the facts. The language not only suggests that BOEM sought a foregone conclusion to heighten the impact of a No Action Alternative to major, but intentionally sought to deceive the general public.

According to N.J. Division of Travel and Tourism, the travel sector is one of the largest employment drivers and revenue generating industries in the State. Tourism Economics (TE)

prepared a study for VisitNJ, the official tourism website for the State of New Jersey, entitled the *Economic Impact of Tourism in New Jersey 2021*.<sup>9</sup> TE is an Oxford Economics company with a singular objective to combine the understanding of the travel sector with proven economic tools. TE has regional headquarters in Philadelphia and Oxford, with offices in Belfast, Buenos Aires, Dubai, Frankfurt. This company is the world's foremost independent global advisory firm in two hundred countries, one hundred industrial sectors and over 3,000 cities. The study conducted by TE covered a timeframe from 2017 through 2021. It was concluded that "the travel sector in New Jersey is an integral part of the State. Visitors generate significant economic benefits to households, businesses, and government alike and represent a critical drive of New Jersey's future."<sup>10</sup> In 2021, visitors spent \$37.3 billion in New Jersey recovering nearly half of the pandemic losses of 2020. Visitors grew to 96.6 million after a decline to 84.6 million in 2020. Visitor spending in New Jersey supported 270,566 jobs and \$18.8 billion in state GDP in 2021.

In addition to direct tourism industries such as lodging, recreation, food services and retail, TE incorporated the economic impact of indirect and induced forms of income that included spending, wages, employment, federal, state and local taxes. Considering the totality of this impact in terms of employment, New Jersey tourism supported 430,000 jobs in 2021 which represents 8.1% of all jobs in the state, or one out of every twelve jobs. In reference to fiscal (tax) impacts, visitor spending generated \$10 billion in government revenue. The coastal counties of New Jersey, Atlantic, Cape May, Monmouth and Ocean accounted for 48.6% of state and local tax receipts. This equates to a savings of \$1,400 per New Jersey household. Rebound visitors to the coastal areas led to near pre-pandemic levels while other counties remained significantly below.

TE's study provides a comprehensive overview that indisputably recognizes tourism as the lifeblood of New Jersey. The statistical data from 2017 through 2021 establishes a definitive baseline for BOEM to utilize before Alternative Impacts and Alternative Combined with Other Foreseeable Impacts are introduced. TE's estimate for a significant increase in visitors to New Jersey should be included in the Foreseeable Impacts which escalate from 2022 through 2025 when an anticipated 124.3 million visitors are expected in the State. According to BOEM's Table, the No Action Alternative combined with Foreseeable Impacts equates to a moderate to minor beneficial impact, the same results as Alternatives A through E. This conclusion is difficult to reconcile when considering the studies compiled by TE, a neutral third party, and the details of this Project and future offshore wind projects in New Jersey. For instance, BOEM cites the aforementioned vessel trips (1,539 vessel trips during construction; 3,392 vessel trips per year during operations and maintenance; 1,539 vessel trips per year during decommissioning), 175 miles of underground offshore cable, a 50 foot wide construction corridor for cable *onshore*, and a 30 foot permanent easement *beyond* the 50 foot construction corridor. BOEM presented a diagram with the designated cable route for the BL England plan. The corridor for the cable will run through beaches, ballparks and businesses in Ocean City. According to the cable route, land designated as Green Acres will be confiscated at a state park on the island. The BPU vote on September 28, 2022, one day prior to the public meeting, was to allow this land to be forcibly taken from the people of Ocean City. Indeed, a reconciliation to suggest that the No Action Alternative is comparable to Alternatives A through F is a formidable task. For this reason, BOEM was forced to misrepresent facts by integrating other proposed offshore wind projects into the Foreseeable Impacts. This skewed version of the No Action Alternative is another example of the methodology utilized by BOEM to arrive at a preordained conclusion. The noted

frequency of this strategy runs counter to society's accepted moral code of values and has the impact of undermining public trust.

A review of the totality of BOEM's *Summary of Comparison of Impacts Among Alternatives with No Mitigation Measures* (Table) provides evidence to support BOEM's strategy of downplaying the effects of the proposed offshore wind farms. There are no impacts under the No Action Alternative that rise to a level higher than proposed Alternatives A through E. As previously noted, the Alternative Combined with Foreseeable Impacts column was introduced to achieve that desired result. It is noteworthy that activities introduced under the No Action Alternative would occur notwithstanding the addition of construction offshore wind projects. Examples include military operations, emplacement of submarine cables, dredging, and port improvements. Based on this combination of activities, it is reasonable to acknowledge that impacts proposed for Alternatives A through E should be elevated to one higher adverse level (e.g. minor to moderate, moderate to major). The Table would require a modification to insert a major+ or severe impact level . This is a moderate, rational approach considering the details of the wind farm projects as described within the draft EIS.

Briefly, BOEM proposes that industrializing the offshore New Jersey ocean will have no greater impact on New Jersey's resources than if industrialization did not occur. This claim has been refuted in Resource categories such as Navigation and Vessel Traffic, Recreation and Tourism, Commercial Fisheries, Employment and Economics, and Marine Mammals. The request by the vested party to take marine mammals without liability is one realistic example of the forthcoming ramifications. The mortality rate of North Atlantic Right Whales will rise. According to the North Atlantic Right Whales Coalition only 350 remain in the world today. Considering the facts, a foreseeable impact can be the extinction of this species. Unfortunately, it

is difficult to measure the impact of temporary and irreversible hearing loss to all marine mammals until after the damage is done. Environmental studies will be conducted; however, they will be funded by offshore wind companies and conducted *contemporaneously*.

The contents of the DEIS and BPU's actions have undermined public trust and challenged the primary goals of EO 14008 which are to conserve our lands, waters, and biodiversity through clean energy technologies and infrastructure. Without a finalized EIS, the instant conversation concerning a third solicitation is moot. Moreover, the chronological sequence of events demonstrates evidence of an agenda driven for a purpose beyond clean energy. Throughout the public domain, Governor Murphy has been cited to have ambitions to run in the Democratic primary for the presidency in 2024. For this purpose, he will have to announce his candidacy in approximately a year's time and need a platform to campaign. Is this coincidental to this irrational timeline or the cause? Is the environment of New Jersey and the welfare of its citizens being sacrificed for personal political ambition? Unfortunately, the instant solicitation suggests just that. Hopefully, those in the bureaucracy with intelligence, reason, and integrity will be compelled to publicly confront the negative environmental and economic impact that offshore wind farms will present to the State of New Jersey.

## Footnotes

<sup>1</sup> United States Environmental Protection Agency (EPA), “Sulfur Hexafluoride (SF6) Basics,” accessed August 2022, <https://www.epa.gov/eps-partnership/sulfur-hexafluoride-sf6-basics>.

<sup>2</sup> EPA, “Sulfur Hexafluoride”

<sup>3</sup> Save Right Whales accessed August 2022, <https://www.saverightwhales.net/media/press-release-nov-18>.

<sup>4</sup> Bureau of Ocean Energy Management (BOEM). 2022. *Ocean Wind 1: Offshore Wind Farm Draft Environmental Impact Statement*. Office of Renewable Energy Programs. OCS EIS/EA BOEM 2022-0021. Available: <https://www.boem.gov/renewable-energy/state-activities/ocean-wind-1>. accessed: June 2022, S 10-14.

<sup>5</sup> National Oceanic and Atmospheric Administration (NOAA), accessed August 2022, <https://www.fisheries.noaa.gov/foss/f?p=215:200:10060836853169:Mail:NO:::>

<sup>6</sup> Cape May Chamber of Commerce, accessed August 2022, <https://www.capemaycountychamber.com/commercialfishing/commercial-fishing-industry-in-cape-may-county/>

<sup>7</sup> BOEM. *Ocean Wind: Draft EIS*, 2-15

<sup>8</sup> BOEM. *Ocean Wind: Draft EIS*, 3-16

<sup>9</sup> Tourism Economics (TE). 2021. *Economic Impact of Tourism in New Jersey 2021*. Available: [https://visitnj.org/sites/default/files/Economic\\_Impact\\_of\\_Tourism\\_in\\_New\\_Jersey\\_2021\\_Final.pdf?tag=itinerary](https://visitnj.org/sites/default/files/Economic_Impact_of_Tourism_in_New_Jersey_2021_Final.pdf?tag=itinerary). accessed: August 2022.

<sup>10</sup> TE. *Tourism in New Jersey*, 2.