APPENDIX

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Josh T. Kohut, Ph.D.
Center for Ocean Observing Leadership
School of Environmental and Biological Sciences
Rutgers, The State University of New Jersey
71 Dudley Road
New Brunswick, NJ 08901
Tel: (848) 932-3496
Email: kohut@marine.rutgers.edu

Offshore wind development and the environment

Statement prepared for the Assembly Science, Innovation and Technology Committee as invited testimony concerning potential impacts of offshore wind development off the New Jersey Coast.

I would like to thank the chairman and the members of the committee for the opportunity to provide this testimony. My name is Dr. Josh Kohut. I am a professor of oceanography at Rutgers University and have lived in New Jersey for more than 40 years. This morning I am providing comments given my expertise in ocean technology and science. I have a Bachelor's degree in physics and a minor in mathematics from the College of Charleston and a PhD in physical oceanography from Rutgers University. I have published over 80 peer reviewed papers in the field of ocean technology and science. For the last 25 years, I have been part of the leadership of the Rutgers University Center for Ocean Observing Leadership (RUCOOL). RUCOOL is recognized as a world leader in ocean science, technology, and prediction. For more than 3 decades, our faculty, technical staff, and students have worked together through local, state, national and international partnerships to conduct ocean research and support applications, decision-making, and management of ocean resources.

Summary of the main points

The ocean and the marine habitats within it are dynamic

Given my expertise, I will focus on the dynamic nature of our ocean as it relates to the distribution of whales and their prey. Characteristics of the ocean off our coast undergo remarkable variability from days and weeks to seasons, years, and decades. The physical oceanography of this region is influenced by freshwater from multiple rivers and estuaries, shelf-break canyons, the Gulfstream well offshore, and tropical and winter storms. No other part of the global ocean undergoes greater surface temperature change from winter to summer than the waters off our coast. These seasonal changes lead to the formation of cold bottom water that persists through the summer called the 'Cold Pool'[1]. A feature that occasionally makes its way all the way to the beach in the summer, dramatically cooling surf temperatures. This intense ocean variability drives an equally variable ecosystem – from the planktonic algae to highly migratory fish and marine mammals. These changing ocean conditions combined with specific habitat preference of local and migratory species can cause their distribution, and that of their prey, to vary significantly from week to week, season to season and year to year.

Furthermore, our coastal waters are situated in one of the most rapidly warming regions in the world[2]. Ocean warming has led to vulnerability among approximately half of the U.S. Northeast Shelf species[3], and the dominant response of fish to ocean warming has been to shift their distribution range north.[4,5,6]

Off New Jersey, Atlantic mackerel and herring abundance are at or near historic lows. In contrast, Atlantic menhaden abundance has spiked upwards in the region since the 1980s[7], and on water observations suggest that they are staying later into the winter. This winter distribution of menhaden is closer to shore than historic mackerel and herring populations and overlaps with areas where juvenile humpbacks have been observed feeding at the surface[8,9,10,11,12].

Solutions and decision making based on sound science

Now more than ever it is critical that we consider the scientific evidence and the complexity of the entire system before drawing conclusions about the cause of individual strandings. Many factors, natural and human-related, impact ecosystem health. Decisions need to be based on scientific data, solid evidence and consider the entirety of factors contributing to observed or perceived impacts. I encourage you to consider all the oceanographic variability impacting the habitats utilized by these whales.

So how can the scientific research community help? New Jersey is a global leader in ocean and ecological observing and prediction. As I sit here with you today, we are monitoring our coastal ocean with satellites in space, radar networks along the coast, and autonomous robots beneath the surface. All of which send real time data back to publicly accessible websites. Thanks to effort across the entire research community, baseline monitoring of many ocean variables has been in place for decades and continue today. For example, an autonomous robot is currently reporting real time detections of marine mammals off the coast of NJ while simultaneously measuring their ocean habitat.

Additionally, there are communities of experts including public, private and academic researchers, commercial and recreational fishers, among others who are ready to utilize available data and their own expertise to inform your policy decisions. Despite what many have said in recent months, I am here to confirm to all of you that the scientific community's responsibility is to the data and sound methods that pass the rigor of peer review. Regardless of the source of funding, over the past 25 years my projects address research and monitoring objectives supported by scientific analysis of publicly available datasets. Rutgers ensures that executed grants and contracts with funders protect my intellectual property and open communication including publication of results. Simply put, I am qualified to do the research I undertake and the output of my research is supported by scientific evidence and methodology that passes the rigor of expert peer review.

Moving forward

In summary, the ocean is highly variable and we have the technology and expertise to document that variability with timely quality-controlled data. It is imperative to consider the evidence associated with *all* potential factors of this ongoing UME event including dynamic oceanographic conditions *before* placing blame toward any specific entity or activity. I hope that if science driven policy and decision making on this issue is the goal, that you will seek out the communities of experts who have experience studying and observing the relevant processes off the New Jersey coast. When seeking sources of information, consider their experience and record of producing scientifically defensible conclusions given the evidence. These are the standards throughout peer reviewed science that ensure the best available information is considered in policy and decision-making. I would like to thank the chairman and the committee members for your time. Please continue to consider Rutgers and RUCOOL a resource in the future.

2x

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Q&A on Recent Whale Strandings and Offshore Wind Energy Development

Are whale strandings increasing along the Jersey Shore?

Recent whale strandings along New Jersey and New York continue a period of increased humpback whale mortalities along the U.S. East Coast that began in 2016[1,2]. In April of 2017 it was declared an Unusual Mortality Event (UME) for humpback whales by the National Oceanic Atmospheric Administration (NOAA) as defined by the Marine Mammal Protection Act[1].

Have there been similar strandings in the past and why?

Three other UMEs for humpback whales have occurred since 2000. In 2003, there were 16 mortalities; in 2005, 7 occurred; and in 2006, 48 mortalities were recorded. The causes of these UMEs are still undetermined[3].

This most recent increase that has been occurring since 2016 is similar to that observed between 1985-1992[4]. The similarities include a notable increase in frequency and sightings, an increase in the number of strandings (many in mid-winter when they are believed to be primarily in tropical regions), and the age of the whales at mortality (juveniles)[1-11].

What are potential causes of whale strandings?

Many factors can contribute to the stranding of an individual whale. These include illness, vessel strikes, entanglement in discarded fishing gear, high-intensity, low-frequency acoustic surveys, and contributing factors such as climate variability, long-term climate change, and predator-prey interactions.[6,8,10,12]

The port of New York and New Jersey is now the busiest port in the U.S, with cargo handling capacity increasing by 5.7% since 2021 and surpassing the Port of Los Angeles last year.[13] Vessel density and speed are highest in nearshore waters where it is believed the juvenile humpback whales are foraging at the surface.[5,6,8,11,14] The majority (93%) of humpback whale mortalities in the New York Bight caused by vessel strikes were juveniles.[11] Furthermore, vessel strikes have been identified as the culprit for half of the necropsied whales that have stranded since 2017 – that's six times higher than the 16-year average of 1.5 whales[3] – while necropsy (a type of autopsy) analyses for the other stranded whales are ongoing. Adult humpback whales, along with fin, minke, and north Atlantic right, forage farther offshore.

In addition to changes in human activity across our region, the habitat of the whales and their prey changes rapidly. Characteristics of the ocean off our coast undergo remarkable variability

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across days and weeks to seasons, years, and decades.[15] This intense ocean variability drives an equally variable ecosystem – from the primary producers (planktonic algae) to highly migratory fish and marine mammals. Tight coupling between ocean conditions and the habitat preference of local and migratory species can cause their distributions to vary significantly from season to season and year to year.

Furthermore, our coastal waters are situated in one of the most rapidly warming regions in the world. Following the recent increasing trend of carbon dioxide emissions without additional policy changes and action, local ocean temperatures in the mid-Atlantic would increase by 3-4°C over the next 70 years[16]. Ocean warming has led to vulnerability among approximately half of the U.S. Northeast Shelf species[17], and the dominant response of fish species to ocean warming has been to shift their distribution range poleward[18-20].

A primary food source of humpback whales, Atlantic menhaden have been increasing in biomass in the region since the 1980s[21], and anecdotal observations suggest that their distributions have been shifting closer to shore and staying later into winter. We do not know why. Coincidentally, these nearshore areas are where juvenile humpbacks have been observed feeding at the surface[5,6,8,11,14], potentially increasing susceptibility to vessel strikes or entanglement.

Are the strandings related to the research and monitoring occurring because of New Jersey's offshore wind energy development project?

Ongoing planning and surveying activities conducted by offshore wind developers for the different projects include acoustic surveys for site evaluation. There have been recent claims that these acoustic surveying efforts have caused this recent uptick in whale strandings. At this point, there are no data or evidence linking whale mortalities to any one specific factor, including offshore wind development.[10,12,22]

Not all acoustic surveys are the same. Unlike the large acoustic arrays for oil and gas surveys or military sonar that use high-intensive low frequency acoustics, the wind acoustic surveys are of high frequency or lower intensity low frequency which are harder for baleen whales – including humpback whales – to hear.[12,23]

Notably, the recent strandings of humpbacks and other marine mammals have been occurring from Florida through Maine[1], covering a large region with very different stressors. To properly assign cause to any stranding, all factors must be considered.

Why is it important to determine the cause(s) of whale strandings and what research efforts are needed to address this issue?

Most reports are too quick to assign the cause of whale strandings without much concern for data and scientific input. Now more than ever it is critical that we consider the evidence and the complexity of the entire system before drawing conclusions about the causes. Many factors, natural and human-caused, impact ecosystem health.

6x

Decisions, particularly those as paramount as calls to shut down the development of a climate-mitigating renewable energy, need to be based on scientific data and solid evidence and consider the entirety of factors contributing to observed or perceived impacts. At this point, there are no such data or evidence linking whale mortalities to any one specific factor including offshore wind development.

We encourage the decision makers to consider all the changes occurring in and factors impacting the coastal ocean habitats utilized by these whales. In addition to ongoing baseline monitoring and planned offshore wind impact studies, it is imperative to bring together the marine mammal and broader oceanographic communities now to investigate and identify *all* potential drivers of this ongoing UME event *before* any blame can be directed toward a specific entity or activity.

What must be considered when planning responsible development of offshore wind?

The need is clear to develop sustainable solutions to combat the single biggest threat to our ocean and the planet we inhabit – human-induced climate change resulting from greenhouse gas emissions. A solution that is rapidly gaining pace in our region is the development of offshore renewable energy generation. The production of renewable energy from offshore wind offers a mitigation pathway toward immediately needed reductions in carbon dioxide emissions. With federal and state government support, there has been significant acceleration of the planning and construction of offshore wind.

Unlike onshore power generation solutions, offshore wind facilities will be constructed in a dynamic coastal ocean environment – an environment that is tightly coupled with the marine ecosystem from the plankton to the top predators. Ongoing efforts need to be centered on monitoring and understanding this dynamic ocean environment, including baseline monitoring and impact studies related to planned offshore wind development. Ocean data and expertise will provide a tremendous resource to the decision makers ensuring that offshore wind is developed in a responsible way.

What is Rutgers' involvement in offshore wind project, here and beyond NJ?

Rutgers scientists are engaged in multiple research efforts to both monitor and understand the dynamic movements of marine mammals and their prey in the context of planned offshore wind development. Baseline monitoring studies focus on listening devices that allow us to map the distribution of marine mammals relative to ocean characteristics like temperature, salinity, and pH and features like fronts and eddies.

Together, this work will be used to advance our understanding of the habitat preference of these animals and how those habitats move over time. Impact studies use this baseline data to understand what ecological changes are specific to offshore wind activity. The funding supporting this work is provided by state and federal government agencies, research foundations, and the private sector.

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Resources

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https://osw.rutgers.edu/

[23]BOEM Offshore Wind Activities and Marine Mammal Protection

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Marine Mammal Stranding Center Statement on whale deaths.

February 17, 2023

As our community continues to grapple with the recent surge in whale strandings, many of you have reached out with questions regarding how our work is funded and our role in the ongoing investigation.

The Marine Mammal Stranding Center has NOT accepted any funding from the wind energy companies.

As a non-profit organization, the Marine Mammal Stranding Center is funded by donations, fundraisers, grants, and retail gift shop sales. As with all non-profits, our financials are public record. To review our organization's most recent IRS 990, you may visit https://www.guidestar.org/profile/22-2368650. In addition, visitors may view the full 53-page hard copy of our financial reports by visiting our Sea Life Museum on Saturdays 10am-2pm.

As a member of the Greater Atlantic Marine Mammal Stranding Network, we are on the front lines working together with our fellow network members to help find the answers. The work that we perform is the first step in many that will bring us closer to understanding why we are seeing so many whale strandings along the East Coast. Large whale necropsies can take a day or more to complete. The work is grueling and dangerous, requiring a large team of people, each with a specific task, working together as safely and efficiently as possible to complete the examination. When a large whale washes ashore in the Northeast region, oftentimes staff from other stranding organizations will travel in from out of state to assist with the efforts. We are grateful to our fellow stranding network members who have helped support our staff by assisting our team with the recent necropsies, as these large-scale stranding events take dozens of people to facilitate.

Stranding organizations such as ourselves perform the necropsies and collect any samples that are viable based on the condition of the carcass. Once we have collected the samples, they are sent to the laboratory pathologists who are responsible for processing and analyzing. When the pathologists have completed their work, the scientists who are tasked with researching the ongoing Unusual Mortality Event (UME) interpret the findings.

This is not the first UME investigation that the Marine Mammal Stranding Center has been involved with. In the summer of 1987, hundreds of bottlenose dolphins washed ashore in New Jersey, as well as along the rest of the East Coast. After several months of necropsies and sample collection, the cause was found to be a virus that had spread through the population. A similar event occurred in the summer of 2012, which was again found to be a virus.

In an effort to be transparent with our followers, MMSC has shared the initial findings of the recent whale necropsies on our website and social media accounts. In all cases, including those animals in which evidence of vessel strike was found, the pathology results are still pending. This means that the final cause of death has not yet been determined for these whales.

To assign blame before the scientific data is analyzed and interpreted would be premature, and could dilute our impact on championing changes on behalf of these animals in the future. The Marine Mammal Stranding Center is approaching this investigation in a non-biased manner.

We are asking for patience as our staff is entirely focused on performing our work in the most professional and scientific manner. The death of these majestic whales is a sad event that has become too frequent lately. Our small but mighty team has been stretched thin with 12-hour days, but we are continuing to work to help find answers about why these whales are dying. We appreciate the community's support as they show us the same compassion that we all share for the animals.

UPDATE-Marine Mammal Stranding Center Statement on Cetacean Strandings
May 3, 2023

In response to this morning's 'Independent Hearing on Whale & Dolphin Deaths- Wind Farm Concerns', we would like to specifically address the conflicting information shared concerning the number of whale strandings that have occurred in the State of New Jersey and the disposition of whale carcasses. We would like to remind our community of the resources we have provided for the public to access recent and historical stranding data. In continuing with our efforts to be transparent with the public, since February 2023 the MMSC has been sharing the findings of the recent whale and dolphin necropsies on our website at the following link- https://mmsc.org/cetaceans-2002-2023. These charts have been updated as we receive reports from the laboratories analyzing the tissue samples. In all cases, including those animals in which evidence of vessel strike was found, the final pathology results are still pending. For any animals requiring advanced testing after the initial necropsy has been completed (ie: tests for acoustic damage), the prepared samples must be sent to a second laboratory to perform advanced testing techniques using highly specialized equipment, such as CT. This is the case with dolphins that stranded alive, as noted on our website. This means that the final cause of death has not yet been determined for these whales or dolphins.

The Marine Mammal Stranding Center is approaching this investigation in a non-biased manner. To speculate on a final cause of death for these animals before the scientific data is analyzed and interpreted would be premature, and could dilute our impact on championing changes on behalf of these animals in the future.

As a member of the Greater Atlantic Marine Mammal Stranding Network, we are on the front lines working together with our fellow network members to help find the answers. Stranding organizations such as ourselves perform the necropsies and collect any samples that are viable based on the condition of the carcass. Once the samples have been collected, they are sent to the laboratory pathologists who are responsible for processing and analyzing. When the pathologists have completed their work, the scientists who are tasked with researching the recent cetacean deaths, including the ongoing Humpback Whale Unusual Mortality Event (UME), will interpret the findings.

It is important to note that the Marine Mammal Stranding Center is also approaching this investigation without influence from any other outside organizations or corporate entities. MMSC has not accepted any funding from the wind energy companies. As a non-profit organization, the Marine Mammal Stranding Center is funded by donations, fundraisers, grants, and retail gift shop sales. As with all non-profits, our financials are public record. To review our organization's most recent IRS 990, you may visit the following link-
https://www.guidestar.org/profile/22-2368650
In addition, visitors may view the full 53-page hard copy of our financial reports by visiting our Sea Life Museum on Saturdays 10am-2pm.

We appreciate the patience of the public and the support of our community as our staff is entirely focused on performing our work in the most professional and scientific manner.

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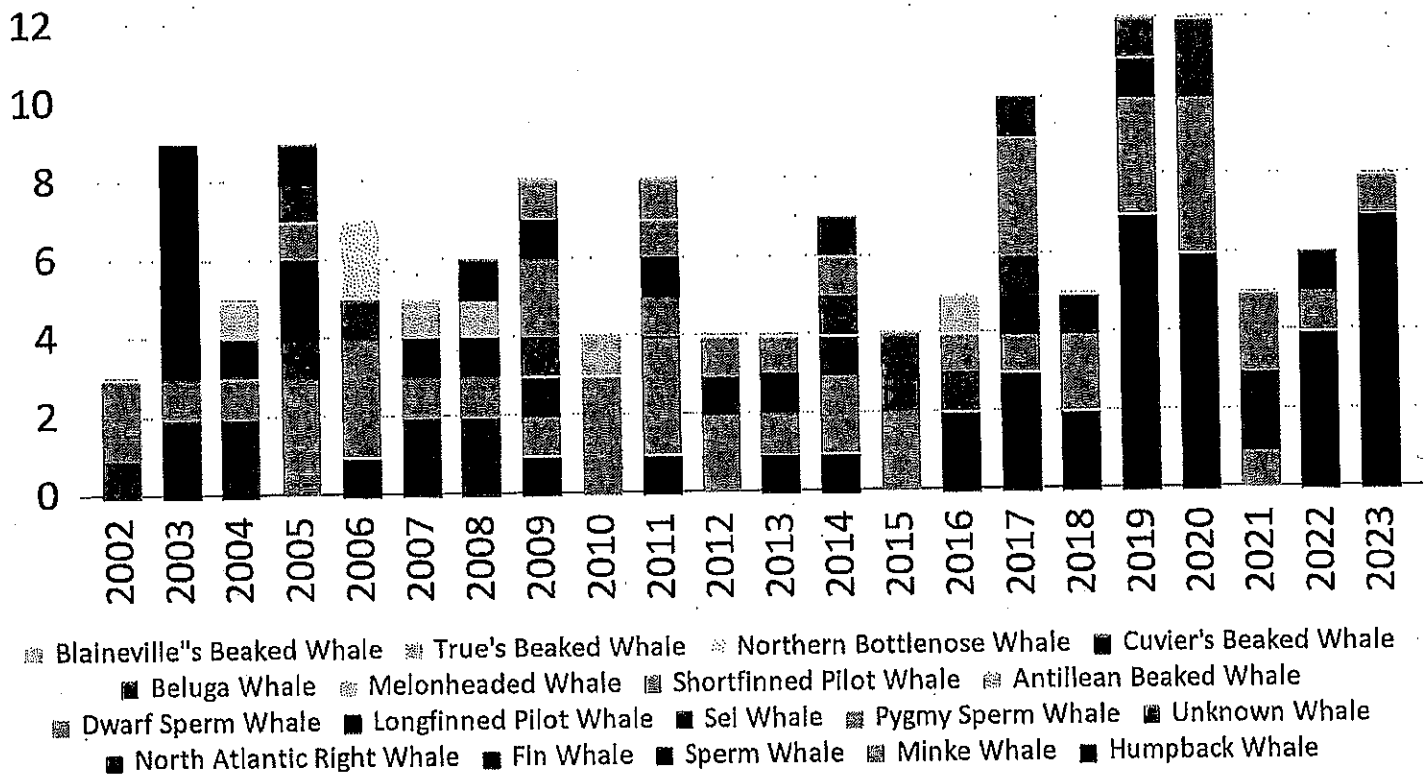
New Jersey Whale Strandings by Species and Year
Marine Mammal Stranding Center© updated 3/27/2023



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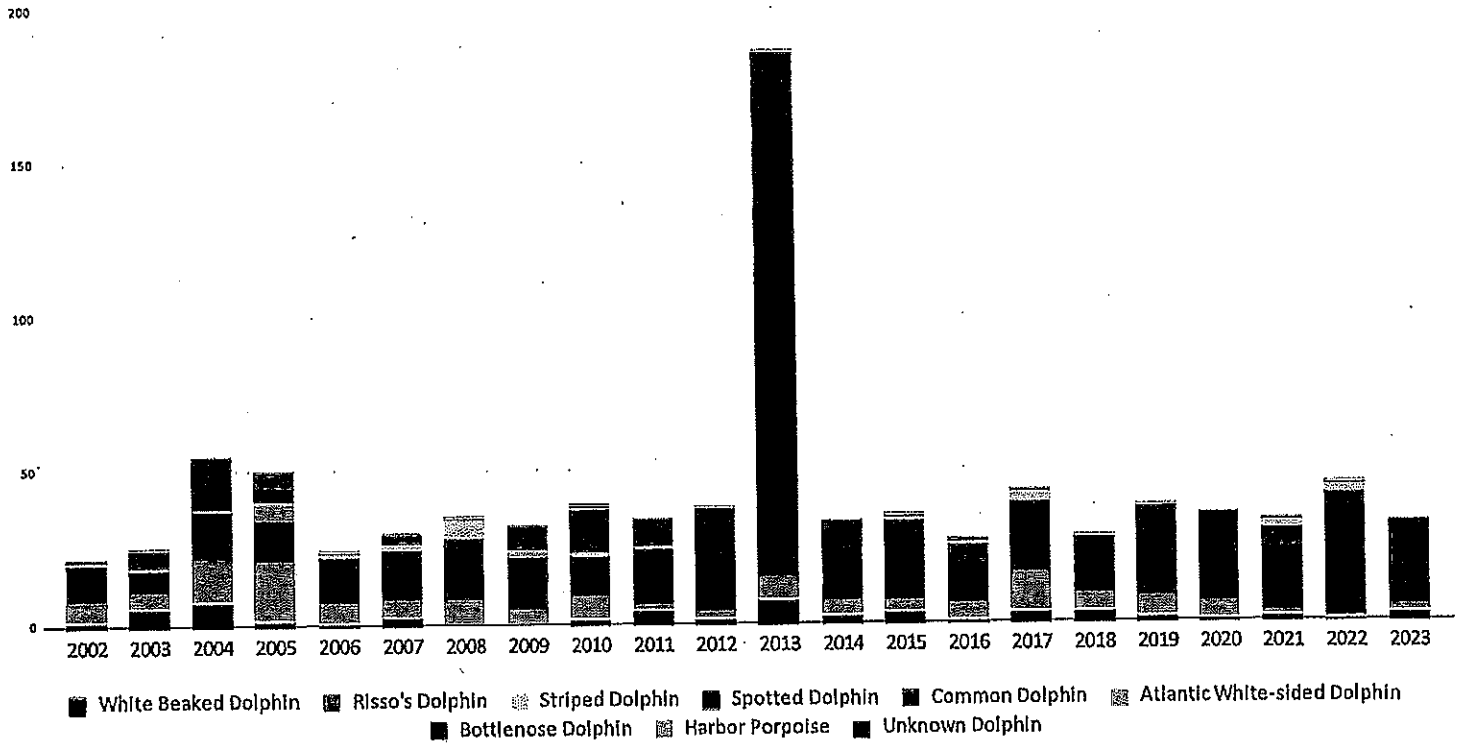
New Jersey Dolphin & Porpoise Strandings by Species and Year
Marine Mammal Stranding Center© updated 5/17/2023



NJ CETACEAN STRANDINGS FROM DECEMBER, 2022 THROUGH PRESENT

Marine Mammal Stranding Center© UPDATED: 5/17/2023

DATE	LOCATION	SPECIES	AGE/SEX	DISPOSITION	NECROPSY STATUS	PRELIMINARY FINDINGS	HISTOPATHOLOGY RESULTS	NOTES
12/5/2022	IDEAL BEACH	SPERM WHALE	DEPENDENT CALF FEMALE	STRANDED ALIVE, DIED ON SCENE	NECROPSY COMPLETED, BURIED ON SCENE	FAT CLOT AROUND THE HEART, FLUID IN LUNGS	PENDING	
12/10/2022	STRATHMERE	HUMPBACK WHALE	SUB-ADULT FEMALE	STRANDED DEAD	DECOMPOSED - PARTIAL NECROPSY, BURIED ON SCENE	LEVEL A DATA AND SAMPLES COLLECTED	PENDING	
12/23/2022	ATLANTIC CITY	HUMPBACK WHALE	SUB-ADULT FEMALE	STRANDED DEAD	DECOMPOSED - PARTIAL NECROPSY, BURIED ON SCENE	LEVEL A DATA AND SAMPLES COLLECTED	PENDING	
12/23/2022	SANDY HOOK	BOTTLENOSE DOLPHIN	ADULT MALE	STRANDED DEAD	HEAVILY DECOMPOSED, BURIED ON SCENE	N/A	N/A	
1/7/2023	ATLANTIC CITY	HUMPBACK WHALE	SUB-ADULT FEMALE	STRANDED DEAD	NECROPSY COMPLETED, BURIED ON SCENE	ENTANGLEMENT SCARS, HEMATOMA BEHIND BLOWHOLE, POSSIBLE HI/VESSEL STRIKE	PENDING	
1/12/2023	BRIGANTINE	HUMPBACK WHALE	SUB-ADULT FEMALE	STRANDED DEAD	NECROPSY COMPLETED, BURIED ON SCENE	HEMATOMA BEHIND BLOWHOLE, POSSIBLE HI/VESSEL STRIKE	PENDING	
1/18/2023	BRIGANTINE	HUMPBACK WHALE	UNK UNK	FLOATING DEAD, 4SMI OFFSHORE	CARCASS NEVER WASHED ASHORE	N/A	N/A	
1/23/2023	LONG BEACH TWP	COMMON DOLPHIN	ADULT FEMALE	STRANDED DEAD	SENT TO NJAHDL FOR NECROPSY	PNEUMONIA, SUSPECTED BACTERIAL INFECTION	PENDING	
1/28/2023	BRIGANTINE	HUMPBACK WHALE	UNK UNK	FLOATING DEAD, 12MI OFFSHORE	CARCASS NEVER WASHED ASHORE	N/A	N/A	
1/29/2023	IBSP	HARBOR PORPOISE	ADULT UNK	STRANDED DEAD	HEAVILY SCAVENGED AND DECOMPOSED, BURIED	N/A	N/A	
2/8/2023	SEASIDE HEIGHTS	COMMON DOLPHIN	ADULT MALE	STRANDED DEAD	SENT TO NJAHDL FOR NECROPSY	BILATERAL PARASITIC GRANULOMAS IN LUNGS PARASITIC CYSTS IN ABDOMINAL CAVITY PARASITIC MIGRATION TRACTS IN BRAIN	PENDING	
2/13/2023	MOORES BEACH	COMMON DOLPHIN	ADULT UNK	STRANDED DEAD	TOO DECOMPOSED, LEFT TO BREAKDOWN NATURALLY	N/A	N/A	
2/14/2023	MANASQUAN	HUMPBACK WHALE	SUB-ADULT FEMALE	STRANDED DEAD	NECROPSY COMPLETED, TAKEN TO LANDFILL	BLUNT FORCE TRAUMA INJURIES, SUSPECTED HI/VESSEL STRIKE	PENDING	
2/16/2023	HIGHLANDS	COMMON DOLPHIN	ADULT MALE	STRANDED ALIVE, DIED ON SCENE	SENT TO NJAHDL FOR NECROPSY	PARASITIC GRANULOMAS IN LUNGS PARASITIC CYSTS IN ABDOMINAL CAVITY GI TRACT EMPTY	BRONCHOINTERSTITIAL PNEUMONIA DUE TO PRE-EXISTING PARASITIC INFECTION, ASPIRATION PNEUMONIA LIKELY DUE TO LIVE STRANDING, PARASITIC GASTRITIS AND ENTEROCOLITIS	SAMPLES FOR ACOUSTIC TESTING PREPARED
2/16/2023	HIGHLANDS	COMMON DOLPHIN	ADULT MALE	STRANDED ALIVE, DIED ON SCENE	SENT TO NJAHDL FOR NECROPSY	PARASITIC GRANULOMAS IN LUNGS PARASITIC CYSTS IN ABDOMINAL CAVITY GI TRACT EMPTY	BRONCHOINTERSTITIAL PNEUMONIA WITH EDEMA DUE TO PRE-EXISTING PARASITIC INFECTION, PARASITIC ENTEROCOLITIS	SAMPLES FOR ACOUSTIC TESTING PREPARED
2/16/2023	HIGHLANDS	COMMON DOLPHIN	ADULT MALE	STRANDED ALIVE, DIED ON SCENE	SENT TO NJAHDL FOR NECROPSY	PARASITIC GRANULOMAS IN LUNGS PARASITIC CYSTS IN ABDOMINAL CAVITY GI TRACT EMPTY	BRONCHOINTERSTITIAL PNEUMONIA WITH FIBROSIS AND EDEMA DUE TO PRE-EXISTING PARASITIC INFECTION, ASPIRATION PNEUMONIA LIKELY DUE TO LIVE STRANDING, NECROTIZING AND SUPPURATIVE HEPATITIS	SAMPLES FOR ACOUSTIC TESTING PREPARED
2/20/2023	SEA ISLE CITY	UNK. DOLPHIN	ADULT FEMALE	FLOATING DEAD IN BAY	CARCASS NEVER WASHED ASHORE	N/A	N/A	
2/22/2023	HARTHORNE WOODS PARK	COMMON DOLPHIN	ADULT MALE	STRANDED ALIVE, EUTHANIZED DUE TO POOR BODY CONDITION	SENT TO NJAHDL FOR NECROPSY	PENDING	PENDING	SAMPLES FOR ACOUSTIC TESTING PREPARED
2/24/2023	SANDY HOOK	COMMON DOLPHIN	ADULT FEMALE	STRANDED ALIVE, EUTHANIZED DUE TO POOR BODY CONDITION	SENT TO CORNELL FOR NECROPSY	SCANT FOOD FOUND IN G.I. TRACT, LIVER PALE IN COLOR	PENDING	
2/24/2023	SANDY HOOK	COMMON DOLPHIN	DEPENDENT CALF MALE	STRANDED ALIVE, DIED ON SCENE	SENT TO CORNELL FOR NECROPSY	POSSIBLE HEART DEFECT	PENDING	
2/27/2023	AVALON	BOTTLENOSE DOLPHIN	ADULT MALE	STRANDED DEAD	NECROPSY PERFORMED BY MMSC ON BEACH, BURIED IN BRIGANTINE	PNEUMONIA AND NECROSIS OF THE LUNGS	PENDING	
3/2/2023	SEASIDE PARK	HUMPBACK WHALE	SUB-ADULT FEMALE	STRANDED DEAD	NECROPSY COMPLETED, BURIED ON SCENE	BLUNT FORCE TRAUMA INJURIES, FRACTURED SKULL, ENTANGLEMENT SCARS, PROP. WOUNDS, SUSPECTED HI/VESSEL STRIKE	PENDING	
3/7/2023	SANDY HOOK	UNK. DOLPHIN	ADULT UNK	FLOATING DEAD UNDER DOCK	TOO DECOMPOSED, LEFT TO BREAKDOWN NATURALLY	N/A	N/A	
3/15/2023	SANDY HOOK BAY	COMMON DOLPHIN	DEPENDENT CALF FEMALE	STRANDED ALIVE, EUTHANIZED DUE TO POOR BODY CONDITION	SENT TO NJAHDL FOR NECROPSY	PENDING	PENDING	SAMPLES FOR ACOUSTIC TESTING PREPARED
3/15/2023	SANDY HOOK BAY	COMMON DOLPHIN	ADULT FEMALE	STRANDED ALIVE, DIED ON SCENE	DISPOSED OF BY PARK STAFF DUE TO LACK OF FREEZER SPACE	LEVEL A DATA COLLECTED	N/A	

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3/21/2023	SEA ISLE CITY	COMMON DOLPHIN	JUVENILE MALE	STRANDED ALIVE, DIED BEFORE MMSC ARRIVAL	SENT TO NJAHDL FOR NECROPSY	BILATERAL PULMONARY CONGESTION, PARASITIC GRANULOMAS, HEMORRHAGE LEFT LUNG	PENDING	SAMPLES FOR ACOUSTIC TESTING PREPARED
DATE	LOCATION	SPECIES	AGE/SEX	DISPOSITION	NECROPSY STATUS	PRELIMINARY RESULTS	HISTOPATHOLOGY RESULTS	NOTES
3/21/2023	SEA ISLE CITY	COMMON DOLPHIN	ADULT FEMALE	STRANDED ALIVE, EUTHANIZED DUE TO POOR BODY CONDITION	SENT TO NJAHDL FOR NECROPSY	UNILATERAL PULMONARY CONGESTION, PARASITIC GRANULOMAS	PENDING	SAMPLES FOR ACOUSTIC TESTING PREPARED
3/21/2023	SEA ISLE CITY	COMMON DOLPHIN	ADULT FEMALE	STRANDED ALIVE, EUTHANIZED DUE TO POOR BODY CONDITION	SENT TO NJAHDL FOR NECROPSY	BILATERAL PULMONARY CONGESTION	PENDING	SAMPLES FOR ACOUSTIC TESTING PREPARED
3/21/2023	SEA ISLE CITY	COMMON DOLPHIN	ADULT FEMALE	STRANDED ALIVE, EUTHANIZED DUE TO POOR BODY CONDITION	SENT TO NJAHDL FOR NECROPSY	PARASITES IN ABDOMINAL CAVITY	PENDING	SAMPLES FOR ACOUSTIC TESTING PREPARED
3/21/2023	SEA ISLE CITY	COMMON DOLPHIN	JUVENILE MALE	STRANDED ALIVE, EUTHANIZED DUE TO POOR BODY CONDITION	SENT TO NJAHDL FOR NECROPSY	BILATERAL PULMONARY CONGESTION, HYPER-INFLATED LOBULES, STOMACH PARASITES, TWO POX LESIONS	PENDING	SAMPLES FOR ACOUSTIC TESTING PREPARED
3/21/2023	SEA ISLE CITY	COMMON DOLPHIN	ADULT FEMALE	STRANDED ALIVE, EUTHANIZED DUE TO POOR BODY CONDITION	SENT TO NJAHDL FOR NECROPSY	BILATERAL PULMONARY CONGESTION, PARASITIC GRANULOMAS, PLUERAL FIBROTIC PLAQUES	PENDING	SAMPLES FOR ACOUSTIC TESTING PREPARED
3/21/2023	SEA ISLE CITY	COMMON DOLPHIN	ADULT FEMALE	STRANDED ALIVE, EUTHANIZED DUE TO POOR BODY CONDITION	SENT TO NJAHDL FOR NECROPSY	BILATERAL PULMONARY CONGESTION, PARASITIC GRANULOMAS	PENDING	SAMPLES FOR ACOUSTIC TESTING PREPARED
3/21/2023	SEA ISLE CITY	COMMON DOLPHIN	ADULT FEMALE	STRANDED ALIVE, DIED BEFORE MMSC ARRIVAL	SENT TO NJAHDL FOR NECROPSY	BILATERAL PULMONARY CONGESTION, PARASITIC GRANULOMAS, HEMORRHAGE PANCREAS	PENDING	SAMPLES FOR ACOUSTIC TESTING PREPARED
3/22/2023	LONG BEACH ISLAND	HUMPBACK WHALE	SUB-ADULT UNK	FLOATING DEAD, TOW OFFSHORE	CARCASS NEVER WASHED ASHORE	N/A	N/A	
3/24/2023	OCEAN CITY	PYGMY SPERM WHALE	UNK UNK	STRANDED DEAD	TOO DECOMPOSED, BURIED ON SCENE	N/A	N/A	
3/28/2023	ORTLEY	HARBOR PORPOISE	ADULT FEMALE	STRANDED DEAD	SENT TO NJAHDL FOR NECROPSY	NO FOOD IN STOMACH OR INTESTINES	PENDING	SAMPLES FOR ACOUSTIC TESTING PREPARED
4/1/2023	CAPE MAY	COMMON DOLPHIN	ADULT FEMALE	STRANDED DEAD	SENT TO NJAHDL FOR NECROPSY	PENDING	PENDING	SAMPLES FOR ACOUSTIC TESTING PREPARED
4/2/2023	SEA BRIGHT	BOTTLENOSE DOLPHIN	ADULT MALE	FLOATING DEAD	TOO DECOMPOSED, LEFT TO BREAKDOWN NATURALLY	N/A	N/A	
4/11/2023	RUMSON OCEANIC BRIDGE	UNK. DOLPHIN	ADULT UNK	FLOATING DEAD	TOO DECOMPOSED, LEFT TO BREAKDOWN NATURALLY	N/A	N/A	
4/15/2023	GREAT BAY	BOTTLENOSE DOLPHIN	ADULT UNK	FLOATING DEAD	HEAVILY DECOMPOSED AND SCAVENGED, LEFT TO BREAKDOWN NATURALLY	N/A	N/A	WASHED UP ON MARSH, REPORTED MULTIPLE TIMES
4/18/2023	AVALON	BOTTLENOSE DOLPHIN	ADULT MALE	STRANDED DEAD	NECROPSY PERFORMED BY MMSC ON BEACH, BURIED ON SCENE	NO FOOD IN G.I. TRACT, LUNGS PALE AND MOTTLED	N/A	
5/6/2023	STONE HARBOR	BOTTLENOSE DOLPHIN	SUB-ADULT FEMALE	STRANDED DEAD	SENT TO NJAHDL FOR NECROPSY	PENDING	PENDING	
5/17/2023	CAPE MAY COURT HOUSE	BOTTLENOSE DOLPHIN	DEPENDENT CALF	STRANDED DEAD	TAKEN TO MMSC FOR NECROPSY	PENDING	PENDING	

NEW JERSEY GENERAL ASSEMBLY
LEGISLATIVE OFFICE
12TH DISTRICT
PARTS OF BURLINGTON, MIDDLESEX, MONMOUTH AND OCEAN COUNTIES

ASSEMBLYMAN
ALEX SAUICKIE

COMMITTEES
AGRICULTURE AND FOOD SECURITY
MILITARY AND VETERANS' AFFAIRS
TOURISM, GAMING AND THE ARTS

405 ROUTE 539
CREAM RIDGE, NJ 08514
PH: (609) 758-0205
FAX: (609) 758-0245
EMAIL: AsmSauickie@njleg.org

May 18, 2023

Hon. P. Christopher Tully
Chair, Assembly Science and Technology Committee
205 Robin Rd., Suite 122
Paramus, NJ 07652
Via email

Dear Chairman Tully:

Thank you for calling today's hearing on offshore wind power generation projects and the question of whether there is a relationship between them and recent high numbers of marine mammal deaths.

I agree on the importance of finding an answer to that question. As you know, in February of this year I addressed the General Assembly to encourage fellow legislators to support a moratorium on the development of offshore wind (OSW) projects until we have an answer. I also participated in the Walk the Bridge Rally at Long Beach Island last weekend to promote the same message.

Many of my constituents are concerned that recent deaths of whales, dolphins and other sea life may be related to the nascent OSW projects along the state's coast. While I'm aware of no direct evidence to prove (or disprove) such a relationship, what we do know is alarming to anyone concerned about the well-being of marine wildlife.

I write to point out facts that the committee should consider. One is that the Chief of Protected Species for the National Fisheries Science Center wrote a detailed and strongly sourced letter describing the hazards posed to endangered ocean life by OSW projects. Another is that OSW project developers have applied for federal permission to do work that may injure or kill whales and other sea life. When the developers themselves state that their projects will cause harm to wildlife, we should take that seriously.

A letter dated May 13, 2022 from Sean A. Hayes, PhD to Brian R. Hooker, Lead Biologist of the federal Bureau of Ocean Energy Management (BOEM), raises scientifically based concerns about the harm OSW projects may bring to an endangered ocean species. To be clear, the letter is about wind projects and conditions off southern New England, not off New Jersey, regarding right whales specifically. While the letter thus doesn't directly address conditions along our coast, it does raise startling points about how OSW projects can harm right whales in a number of ways.

The letter discusses not just the increased noise and vessel traffic from OSW projects, but also habitat modifications, increased entanglement risk due to changes in fishing, and oceanographic changes that may disrupt the amount and availability of the whales' food. It has 29 references to scholarly works, studies, reports and other material.

Dr. Hayes wrote that "[t]he focus of this memo is on operational effects, and as such, focuses on potential oceanographic impacts driving right whale prey distribution, but also acknowledges increased risks due to increased vessel traffic and noise. However, unlike vessel traffic and noise, which can be mitigated to some extent, oceanographic impacts from installed and operating turbines cannot be mitigated for the 30-year lifespan of the project, unless they are decommissioned."

"Disturbance to right whale foraging could have population-level effects on an already endangered and stressed species," he wrote. "Additional noise, vessel traffic, and habitat modifications due to offshore wind development will likely cause added stress that could result in additional population consequences to a species that is already experiencing rapid decline (30% in the last 10 years)."

Also troubling are the requests from the developers of the Ocean Wind 1 Offshore Wind Farm (Ørsted and PSEG) and Atlantic Shores Offshore Wind (EDF-RE Offshore Development, LLC and Shell New Energies US LLC) to the National Marine Fisheries Service ("NOAA Fisheries") Office of Protected Resources for permission to conduct activities that may result in "Level A harassment." That term is defined as any act of pursuit, torment, or annoyance which has the potential to injure a marine mammal or marine mammal stock in the wild.

The Ocean Wind 1 developers submitted a request to the Office of Protected Resources for Incidental Take Regulations (ITR) and associated Letter of Authorization (LOA) under the Marine Mammal Protection Act concerning Level A harassment. They projected the number of whales to be possibly injured or killed over the five-year project to be 33: four Fin whales, one Sei whale, 22 Minke whales and six Humpback whales. Additional marine mammals to be affected bring the total to 206, according to Clean Ocean Action.

The federal government's draft environmental impact statement says the project, on its own, would have a "negligible to major" negative impact on marine mammals (compared to a "minor beneficial" impact from not approving the project). Along with other foreseeable impacts, the negative impact would still be "moderate."

A moderate impact means: "Impacts on individual marine mammals or their habitat would be detectable and measurable; they would be of medium intensity, can be short term or long term, and can be localized or extensive. Impacts on individuals or their habitat could have population-level effects, but the population can sufficiently recover from the impacts or enough habitat remains functional to maintain the viability of the species both locally and throughout their range."

The Atlantic Shores Offshore Wind developers submitted a request to NOAA Fisheries for ITR and associated LOA concerning Level A harassment as well. The total number of whales projected by the developers to be possibly injured or killed over the five-year project is 35: 21 Fin whales, nine Minke whales, four Humpback whales and one Sei whale. Additional marine mammals to be affected bring the total to 92, according to Clean Ocean Action.

While it's unclear whether marine mammal deaths over the last several months can be attributed to OSW project activity, the science and the OSW project developers themselves tell us that marine mammals will be injured and harassed – perhaps "tormented" by Level A harassment – through the course of that activity. Given that, it's only prudent to have a moratorium on such activity until we have more concrete information on how any past or current project development may be impacting marine life.

Lastly, despite some unfortunate attempts to paint concerns such as mine as partisan, fringe and even dishonest, I'm pleased that many shore area mayors, county commissioners, legislators, members of Congress and others have taken a position in favor of caution and serious inquiry when it comes to protecting ocean wildlife. Further, in addition to Clean Ocean Action, a moratorium and study are backed by Protect Our Coast NJ, Save LBI, the Long Island Commercial Fishing Association, Defend Brigantine Beach, and the Save the Right Whales Coalition. Even more important to me is that the feedback I've received from constituents confirms that I'm representing their point of view.

I don't oppose OSW projects and our state would certainly benefit from the jobs they would create. Yet we must acknowledge that it's reckless to proceed without a thorough study on what's killing marine mammals and how to stop it.

Thank you for your consideration of this letter.

Very truly yours,

Alex Sauickie III
Assemblyman, District 12

AS:jk

c: Hon. Linda S. Carter, Vice Chair
Hon. Christian E. Barranco
Hon. DeAnne C. DeFuccio
Hon. Christopher P. DePhillips
Hon. William F. Moen
Hon. Ellen J. Park

Links to sources:

Hayes letter
NOAA_Protected_Species_Letter_to_BOEM.pdf (cleanoceanaction.org)

Atlantic Shores Offshore Wind: Application for Marine Mammal Protection Act (MMPA) Rulemaking and Letter of Authorization
LOA Turbine Foundation and Cable Installation at Atlantic Shores Wind Farm (noaa.gov)

Ocean Wind 1 Offshore Wind Farm: Updates to the Application for Marine Mammal Protection Act (MMPA) Rulemaking and Letter of Authorization
Updates to the Application for Marine Mammal Protection Act (MMPA) Rulemaking and Letter of Authorization (noaa.gov)

STATE OF NEW JERSEY

CHRISTOPHER J. CONNORS
SENATOR – 9TH DISTRICT
SenConnors@njleg.org

9TH DISTRICT LEGISLATIVE OFFICES
620 WEST LACEY ROAD
FORKED RIVER, NJ 08731

OCEAN & BURLINGTON COUNTY:
(609) 693-6700 OR (732) 240-0266

ATLANTIC COUNTY:
(609) 407-4099

WEBSITE: HTTP://DISTRICT9.SENATENJ.COM

BRIAN E. RUMPF
ASSEMBLYMAN – 9TH DISTRICT
ASMRUMPF@NJLEG.ORG

DIANNE C. GOVE
ASSEMBLYWOMAN – 9TH DISTRICT
AswGove@njleg.org

April 15, 2021

Amanda Lefton, Director
Bureau of Ocean Energy Management
Office of Public Affairs
1849 C Street, NW
Washington, D.C. 20240

Joseph L. Fiordaliso, President
New Jersey Board of Public Utilities
44 S. Clinton Avenue
Trenton, NJ 08625

RE: *Objections to Proposed Windfarm off of Long Beach Island (LBI)*

Dear Director Lefton and President Fiordaliso:

This communication is to convey our serious concerns, as the State Legislative Delegation representing Long Beach Island, regarding the proposed windfarm that would be sited in this area of New Jersey.

Having had the opportunity to review initial details and gain an understanding of the full scope of this project, we are compelled to formally call on both the Bureau and Board to slow down the approval process for the proposed windfarm to allow for a more comprehensive evaluation of the considerable and long-lasting impacts of the project. This would include, but not be limited to, assess the potentially negative consequences for New Jersey's fishing industry and tourism industry which are vital and strong performing components of the state's overall economy.

There is also the obvious issue as to, not if, but to what extent will wildlife habitats be impacted. Safeguarding impacted wildlife habitats cannot be regulated in a precipitous rush for "clean energy" alternatives pursued at any and all costs only to meet arbitrary government-established timeframes that may seem substantive on an official report but do not reflect the cold realities imposed on those persons, industries and other aspects that stand to be negatively impacted.

Lastly, and most importantly, the public needs ample time and appropriate forums to convey their views. While individuals may personally be strongly supportive of alternative forms of energy, this does not necessarily mean that they embrace the construction of a massive windfarm off the coast of one of the most visited, pristine and cherished areas of New Jersey's 127-mile coastline.

Already, a number of concerned constituents, a large segment of which identified themselves as being environmentally conscience, have already written to us calling for project's approval process to be delayed for various reasons, including allowing for greater public input. Government should be mindful that many individuals may be unaware of the proposed windfarm, as COVID-related matters continue to dominate many aspects of our lives, including the information that the public directs its attention to. In this particular case, we are confident that local residents and frequent tourists would be highly resentful at not having the opportunity to review the proposed project and fully engage in the public comment component of the application process in view of the windfarms potential massive footprint.

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To reiterate, our Legislative Delegation is calling on your respective government agencies to slow down application process for the proposed windfarm off of Long Beach Island. Thank you, in advance, for your attention to this communication, which we wish to have entered into the public record of testimony, as part of our efforts in representing the interests of our constituency.

Sincerely,

CHRISTOPHER J. CONNORS
Senator – 9th District

BRIAN E. RUMPF
Assemblyman – 9th District

DI ANNE C. GOVE
Assemblywoman – 9th District

CJC/BER/DCG: js

Cc: Honorable Phil Murphy, Governor, State of New Jersey
Honorable Jeff Van Drew, Congressman, 2nd Congressional District
Honorable Andy Kim, Congressman, 3rd Congressional District
Honorable Gary Quin, Director, Ocean County Board of Commissioners and Board Members
Honorable Kirk O. Larson, Mayor, Borough of Barnegat Light and Councilmembers
Honorable Francis R. Hodgson, Sr., Mayor, Borough of Surf City, and Councilmembers
Honorable William Huelsenbeck, Mayor, Ship Bottom, and Councilmembers
Honorable Joseph M. Mancini, Mayor, Township of Long Beach, and Commissioners
Honorable Colleen K. Lambert, Mayor, Borough of Beach Haven, and Councilmembers
Honorable Johnathan Oldham, Mayor, Borough of Harvey Cedars, Commissioners
Honorable John A. Peterson, Mayor, Borough of Seaside Park, and Councilmembers
Honorable Carmen Amato, Mayor of Township of Berkeley, and Councilmembers
Honorable Gregory Myhre, Mayor of Township of Stafford, and Councilmembers

Testimony Submitted to the Assembly Science, Innovation and Technology Committee Hearing on Marine Mammal Deaths

By Senator Christopher Connors
Assemblyman Brian Rumpf
Assemblywoman DiAnne Gove
Representing the 9th Legislative District Office

While our Delegation fully understands the intent of this Committee hearing is discuss the increase in marine mammal deaths since 2016, we would be remiss as coastal legislators if we did not strongly convey the substantial opposition expressed by many of our constituents to the proposed offshore wind turbine projects off our state's coast.

Irrespective of arguments made to the contrary, thousands of residents across the state believe the issues marine mammal deaths and preliminary work for the offshore wind turbine projects to be inextricably linked.

Demands have been made by the public to upend what is perceived as a rubber-stamping of the process that has mostly disregarded the considerable environmental and economic considerations at stake.

To that end, our Delegation testimony to this committee is consistent with that presented to the independent hearing on whale and dolphin deaths that was held virtually by members of the New Jersey Senate Republican Caucus on May 3 of this year.

As coastal legislators, we call on the federal government to leave our oceans alone.

Massive wind turbines drilled into the ocean floor will wreak havoc on the fragile wildlife habitats and marine life that stand to be subjected to this extremely disruptive process.

To be clear, we are not calling for a moratorium.

We are demanding that the proposed ocean wind turbine projects be scrapped for compelling reasons.

Given the size of the turbines and wide scope of area they would cover, how can it not be expected that there will be seriously negative ecological repercussions?

Further, we call on the Murphy Administration and our state government to stop being blindly complicit by promoting this policy which will prove injurious to our oceans.

From the outset, our Delegation has opposed offshore wind turbines for three simple and obvious reasons.

First, the substantial damage that the wind turbines will do to the ocean floor, including wildlife habitats.

Second, people love the Jersey shore as it is renowned for its beautiful seascape without massive wind turbines.

Third, and certainly not last, the very real potential for the commercial and recreational fishing industry to be irrevocably, negatively impacted.

In April of 2021 - before the reports of dead whales and dolphins started filling local headlines - our Delegation wrote to the federal government, specifically the Bureau of Ocean Energy Management, outlining the very serious local concerns about the proposed ocean windfarm off of Long Beach Island.

These serious concerns include, but are certainly not limited to, the potentially negative consequences for New Jersey's fishing and tourism industry which are vital and strong performing components of the state's overall economy.

A copy of our correspondence, to reiterate was sent more than two years ago, has been attached to our testimony.

Then, as now, our Delegation strongly believes that the wind turbine project would prove to be yet another failed experiment in the growing list of pipedream green energy proposals that achieved little at great cost to taxpayers and ratepayers.

For advocates of ocean wind turbines, we are forced to ask: Do you really think that is worth the risk to the environment to produce an infinitesimal amount of energy?

Does combating climate change really require drilling massive holes into the ocean floor?

Our record on this is clear and principled by virtue of the fact that we supported the 2018 bipartisan-supported law that prohibits offshore drilling for oil or natural gas in State waters.

It is important to note that our Delegation takes exception to remarks by government officials who frown upon residents for strenuously objecting to the ocean wind turbines.

These residents rightly hold that the ocean belongs to the people – and is not a natural resource for the government agencies to lease out in huge swaths to major corporations.

Is it not State policy, especially among environmental activists, to increase beach and waterway access?

How will the massive ocean wind turbines not erode, let alone maintain, a standing State policy commitment to beach and waterway access?

It is not a matter of if but to what extent will navigation in proximity to the wind turbines be restricted?

Thousands of acres or perhaps hundreds of square miles will be off limits to the recreational and commercial harvest of fin and shellfish.

Added to that, permitting the wind turbines to be built will present a very real risk to the path of migratory fish, placing these resources beyond the limits of many recreational fishermen.

Parenthetically, how does the leasing of hundreds of square miles of ocean floor to foreign companies reduce our dependence on foreign energy?

Our state should be deeply concerned of what is to follow should the ocean wind turbine projects be approved, and not just in terms of electric rates.

By this, we mean the empty promises made to ratepayers who now find themselves subsidizing the costs of solar energy.

Data presented through research should not countermand people's common sense: drilling holes in the ocean floor for the construction of massive structures will have serious negative ramifications.

For the millions that love and visit our state's pristine beaches, do we have to say: "Enjoy the view while it lasts."

Like residents across the state, we are alarmed by the number of dead whales, dolphins and marine life washing ashore or being found in the water.

It is understandable that concerned residents would direct their focus on the debate as to whether sonar being used to map the ocean floor for wind turbine projects is the cause for the deaths.

Ultimately though, the most effective approach to achieve the goal of protecting marine life in our ocean is to outright oppose the ocean wind turbine projects.

Appropriately, we must emphasize that this testimony represents the principled stance and interests of many of our constituents for whom this issue is emotional on several levels.

It is our sincere hope that the testimony offered during this hearing proves to be a compelling effort to stop the construction of ocean wind turbines and, thereby, protecting our ocean and marine wildlife.

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