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October 18, 2023

New Jersey Governor Phil Murphy
Governor's Office, PO Box 001
Trenton, NJ 08625

Christine Guhl-Sadovy, President, New Jersey Board of Public Utilities
44 S. Clinton Avenue
Trenton, NJ 08625

Dear Governor Murphy and Ms. Guhl-Sadovy:

In the name of good governance, fiscal responsibility, and environmental stewardship, Clean Ocean Action (“COA”) calls upon the New Jersey executive and legislative branches to cancel the massive third solicitation of offshore wind project bids, which could more than double the state’s current development obligation.¹ No awards should be given until more information is known about the economic and environmental feasibility of offshore wind energy development on the New Jersey coast. Specifically, no awards should be granted until:

1. the forthcoming Government Accountability Office (“GAO”) study on offshore wind development in the North Atlantic Planning Area is publicly released, and federal, state, and local officials and agencies have an opportunity to review the report, publish a response, and implement recommendations,
2. there is a comprehensive offshore wind pilot project in the New York Bight to assess the actual (rather than aspirational and speculative) economic and environmental impacts of pre-construction, construction, operation and maintenance, and decommissioning activities, with independent oversight, and
3. an independent, transparent investigation into marine mammal deaths off the New Jersey coast since December 2022 concludes that offshore wind development is not a significant cause.

Offshore wind power plants are being fast-tracked at a reckless pace, while good governance and due diligence principles have been largely ignored. No independent cost-benefit analysis,

¹ *New Jersey Board of Public Utilities Opens Third Offshore Wind Solicitation of Between 1.2 GW and 4 GW*, N.J. BD. OF PUB. UTILS. (March 6, 2023), <https://www.nj.gov/bpu/newsroom/2023/approved/20230306.html>

scientific study, or pilot-scale project has been conducted to ensure this expansive ocean industrialization is in the public interest.

As pre-construction activities for offshore wind projects off the coast of New Jersey have progressed, unprecedented numbers of dolphins, whales, and sea turtles have been washing up on New Jersey's shore.² Although regulators have insisted that offshore wind preconstruction activities are blameless,³ they have no definitive proof: the deaths remain scientifically unexplained, and there has never been an area-specific study to determine what role(s) preconstruction activities may have played, if any, in the deaths.⁴ Regulators acknowledge and affirm that offshore wind development poses risks to marine life in several ways, including but not limited to disorienting the animals with ocean noise or increasing vessel traffic and collisions between animals and ships.⁵ This is why COA called for an investigation, and nearly 400,000 people signed a petition in support.⁶

At the same time, the environmental and economic benefits of offshore wind have become increasingly uncertain due to macroeconomic shocks, supply chain constraints, and issues connecting to existing grids to make the energy usable.⁷ New Jersey Senate President Nicholas Scutari and Assembly Speaker Craig Coughlin raised economic concerns and called for heightened review and public participation in response to the third offshore wind solicitation:

"The legislature has concerns about the BPU's approach on the offshore wind projects. There are still many unanswered questions about the economic impact these projects will have on ratepayers as well as potential impacts to one of our state's largest economic drivers, tourism at the shore. The BPU should be able to

² MARINE MAMMAL STRANDING CTR., *Cetacean Stranding Data*, <https://mmsc.org/cetaceans-2002-2023> (updated October 9, 2023); Evan Halper et al., *Dead whales and tough economics bedevil Biden's massive wind energy push*, WASHINGTON POST (Jan. 25, 2023), <https://www.washingtonpost.com/business/2023/01/25/wind-turbines-whales-biden/>.

³ Press Release, N.J. Dep't of Env't Prot., NJDEP Statement on East Coast Whale Mortalities (Mar. 15, 2023), https://www.nj.gov/dep/newsrel/2023/23_0021.htm

⁴ See MARINE MAMMAL STRANDING CENTER, *Marine Mammal Stranding Center Statement on Whale Deaths* (February 17, 2023) (updated May 3, 2023).

⁵ Letter from Sean A. Hayes, PhD, Chief of Protected Species, NOAA NEFSC, to Brian R. Hooker, Lead Biologist Bureau of Ocean Energy Management, Office of Renewable Energy Programs (May 13, 2022); NAT'L MARINE FISHERIES SERV., NORTH ATLANTIC RIGHT WHALE 5-YEAR REVIEW: SUMMARY & EVALUATION 24 (Nov. 2022); Offshore Wind Energy: Protecting Marine Life, NOAA FISHERIES, <https://www.fisheries.noaa.gov/topic/offshore-wind-energy/protecting-marine-life>.

⁶ Clean Ocean Action, *Petition to Demand Independent Investigation of Whale Deaths*, CHANGE.ORG (last visited October 17, 2023), https://www.change.org/p/petition-to-demand-independent-investigation-of-whale-deaths?recruiter=1032124476&recruited_by_id=c173c7c0-2d9c-11ea-a987-flf790545d5f&utm_source=share_petition&utm_medium=copylink&utm_campaign=petition_dashboard

⁷ Eduardo Garcia, *Cost crunch prompts mass rethink of US offshore wind contracts*, REUTERS (Sept. 13, 2023), <https://www.reuters.com/business/energy/cost-crunch-prompts-mass-rethink-us-offshore-wind-contracts-2023-09-13/>; John Fialka, *U.S. Offshore Wind Needs to Clear a Key Hurdle: Connecting to the Grid*, SCIENTIFIC AMERICAN (Aug. 3, 2020), <https://www.scientificamerican.com/article/u-s-offshore-wind-needs-to-clear-a-key-hurdle-connecting-to-the-grid/>.

share these impacts with the communities affected and the legislature before moving forward with these new offshore projects.”⁸

Moreover, proponents of offshore wind energy development often cite job creation as a potential boon for New Jerseyans, but many of the major offshore wind developers are foreign enterprises, and development activities have been exempted from requirements to hire domestic labor.⁹ As a result, New Jerseyans will only benefit from a portion of the job creation from the OSW industry.

Climate change is real, and effective action is urgently needed to reduce carbon dioxide emissions. However, according to the Bureau of Ocean Energy Management, offshore wind power plants will not contribute significantly to reducing climate change, will take years to become operational, and only last 20 to 30 years.¹⁰ At the same time, they will dramatically alter and harm the marine ecosystem, adding to the stress the ecosystem is already experiencing.¹¹ Unfortunately, offshore wind energy is not the climate change cure-all that stakeholders had hoped it would be. The New Jersey government must accept the fact that reckless industrialization is not the solution to climate change; rather, reckless industrialization caused climate change. The safest and most effective way to curb climate change and greenhouse gas emissions is to decrease energy consumption by implementing long overdue actions including increasing efficiency, reducing waste, eliminating greenhouse gas leakages, and regulating the energy use of industries.¹²

COA was relieved, pleased, and grateful that federal legislators’ request for a GAO study on the impacts of offshore wind energy development in the North Atlantic Planning Area was approved. The study is set to begin in or around November 2023.¹³ Scientists and regulators agree that more data is needed on the impacts of large-scale offshore wind development on marine life,

⁸ *Senate President Scutari, Speaker Coughlin Issue Statement Regarding Offshore Wind Developments*, Press Releases, INSIDER NJ (Aug. 7, 2023), <https://www.insidernj.com/press-release/150021/>.

⁹ Coastwise Transportation; Wind Turbines; Scour Protection; 46 U.S.C. § 55102; 46 U.S.C. § 55103; 46 U.S.C. § 55109; 19 C.F.R. § 4.80a; 19 C.F.R. § 4.80b., HQ H300962 (Apr. 14, 2022), https://www.customsmobile.com/rulings/docview?doc_id=HQ%20H300962&highlight=category%3ACarriers.

¹⁰ BUREAU OF OCEAN ENERGY MGMT., VINEYARD WIND OFFSHORE WIND FARM FINAL ENVIRONMENTAL IMPACT STATEMENT, vol. 2, at A-51 (March 2021), <https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/Vineyard-Wind-1-FEIS-Volume-2.pdf>; BUREAU OF OCEAN ENERGY MGMT., SUPPORTING NATIONAL ENVIRONMENTAL POLICY ACT DOCUMENTATION FOR OFFSHORE WIND ENERGY DEVELOPMENT RELATED TO STORM EVENTS 1 (Apr. 2022), <https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/Storm-Event-White-Paper.pdf>.

¹¹ *See id.* at ES-13, ES-14, 3-86; BUREAU OF OCEAN ENERGY MGMT., OCEAN WIND 1 OFFSHORE WIND FARM FINAL ENVIRONMENTAL IMPACT STATEMENT, vol. 1, at S-10-S-15 (May 2023).

¹² WORLD ECON. FORUM, *This is how cities can reduce emissions with waste-reduction solutions* (Nov. 7, 2022), <https://www.weforum.org/agenda/2022/11/waste-emissions-methane-cities/>; *How Secretive Methane Leaks Are Driving Climate Change*, UNITED NATIONS ENV’T. PROGRAMME (July 19, 2022), <https://www.unep.org/news-and-stories/story/how-secretive-methane-leaks-are-driving-climate-change>.

¹³ Letter from A. Nicole Clowers, Managing Dir., Cong. Relations, Gov’t Accountability Off., to Rep. Bruce Westerman, Rep. Andy Harris, Rep. Chris Smith, and Representative Jeff Van Drew (May 25, 2023) (on file with COA).

particularly baleen whales.¹⁴ Therefore, a comprehensive, independent study on the cause of the spike in marine mammal deaths off the New Jersey coast is also essential to understand the true cost of offshore wind energy development in our area. Finally, a small-scale pilot project is the only way to properly examine whether offshore wind energy is economically or environmentally feasible and should have been conducted before any commercial-scale leases were awarded.

New Jersey's third offshore wind solicitation could more than double the state's already reckless commitment to an industry rife with fiscal, economic, and environmental uncertainties. It must be cancelled until all three of the above actions are taken to ensure good governance, due process, and fiscal responsibility, as well as to protect and preserve the ecological diversity of the marine and coastal ecosystems of New Jersey and beyond.

In short, COA and others call upon you now, Governor Murphy and Ms. Guhl-Sadovy, to act responsibly and cancel the third offshore wind solicitation.

We look forward to your response. Please contact us if you have any questions.

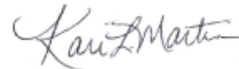
Respectfully,



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cc: New Jersey Senate President Nicholas Scutari
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New Jersey State Legislators
Bob Brabston, Executive Director, New Jersey Board of Public Utilities
Shawn LaTourette, Commissioner, New Jersey Department of Environmental Protection

Open Letter

¹⁴ OCEAN WIND 1 OFFSHORE WIND FARM FINAL ENVIRONMENTAL IMPACT STATEMENT, *supra* note 2, at D-1-D-9; Galparsoro et al, *Reviewing the Ecological Impacts of Offshore Wind Farms*, NPJ OCEAN SUSTAINABILITY (Aug. 10, 2022), <https://doi.org/10.1038/s44183-022-00003-5>.