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February 2, 2024

US President Joseph R. Biden  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, DC 20500

Dear President Biden:

Clean Ocean Action (“COA”) supports the idea of reasonable and responsible offshore wind energy development; however, the scope, scale, and speed of current development along the East Coast exceeds what is reasonable and responsible. Offshore wind projects have continuously been fast-tracked at a reckless pace, while good governance, due diligence, and environmental stewardship principles and processes have been largely ignored. Moreover, it is unclear whether the balance of environmental costs and benefits resolves in favor of meaningfully mitigating climate change.<sup>1</sup>

Therefore, in the name of good governance, fiscal responsibility, and environmental stewardship, COA calls upon the Biden Administration to reconsider the scope and speed of offshore wind energy development off the New Jersey/New York coast. COA demands a full stop on offshore wind energy development in the North Atlantic Planning Area, including leasing, solicitations, pre-construction surveys, cable installation, or construction, 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, as well as means to avoid, minimize, monitor, and mitigate the harmful impacts; and
3. an independent, transparent investigation into marine mammal deaths off the New Jersey and New York coasts since December 2022 concludes with substantial, independent scientific evidence that offshore wind development is not a significant cause or related to a cause.

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<sup>1</sup> BUREAU OF OCEAN ENERGY MGMT., NEW YORK BIGHT DRAFT PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT, at ES-10 (Jan. 2024) (Greenhouse gas emissions reduction impacts of six projects in the New York Bight projected to be only moderately beneficial, while wildlife impacts may be major).

To support this call, consider the following facts and analysis:

Although the Biden Administration's goal to deploy 30 gigawatts of offshore wind in the United States purportedly aims to promote biodiversity and ocean co-use, the scale of offshore wind development in the New York Bight overlooks known risks to endangered species<sup>2</sup> and poses serious challenges to ocean co-uses such as commercial and recreational fishing,<sup>3</sup> shipping,<sup>4</sup> and military operations in the area.<sup>5</sup> No independent cost-benefit analysis, comprehensive scientific study, or pilot-scale project has ever been conducted to ensure this expansive ocean industrialization is in the public interest.

Moreover, the offshore wind energy industry is in turmoil, experiencing large-scale technical failures, rising costs from macroeconomic shocks, supply chain constraints, and issues connecting to existing grids.<sup>6</sup> The failure of Orsted's Ocean Wind 1 and 2 projects<sup>7</sup>, despite receiving multiple forms of financial support and streamlined permitting,<sup>8</sup> is a glaring example of how pushing projects forward without due diligence will ultimately be to the detriment of renewable energy development. Clearly, it would be fiscally prudent and in the public interest to pause this rapid pace of obligation of public tax dollars and natural resources.

In addition, as pre-construction activity for offshore wind projects off the coast of New Jersey progresses, unprecedented amounts of dead and stranded dolphins, whales, and sea turtles are washing up on New York's and New Jersey's shores.<sup>9</sup> Although regulators insist that offshore wind

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<sup>2</sup> 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).

<sup>3</sup> Technical Memorandum NMFS-NE-291, Nat'l Oceanic & Atmospheric Admin., Fisheries and Offshore Wind Interactions: Synthesis of Science at 17 (March 2023).

<sup>4</sup> Ming Song et al, *Numerical and Analytical Analysis of a Monopile-supported Offshore Wind Turbine Under Ship Impacts*, 167 RENEWABLE ENERGY 457, 457 (Apr. 2021), <https://doi.org/10.1016/j.renene.2020.11.102>

<sup>5</sup> Lt. Lowen M. Hobbes, *Offshore Wind Energy: A Rising Challenge to Coast Guard Operations*, 149 PROCEEDINGS, NAVAL INST. (July 2023), <https://www.usni.org/magazines/proceedings/2023/july/offshore-wind-energy-rising-challenge-coast-guard-operations>.

<sup>6</sup> Nina Chestney & Susanna Twidale, *Explainer: Why the Offshore Wind Power Industry has Hit Turbulence*, REUTERS (Sept. 8, 2023), <https://www.reuters.com/business/energy/why-wind-power-industry-has-hit-turbulence-2023-06-26/>; Anastasia E. Lennon, *A Tricky, Sticky Mineral that's Challenging Offshore Wind Developers*, NEW BEDFORD LIGHT (Oct. 19, 2023), <https://newbedfordlight.org/a-tricky-sticky-mineral-thats-challenging-offshore-wind-developers/>; *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/>.

<sup>7</sup> Ry Rivard, *Offshore Wind Company Pulls Out of New Jersey Projects, A Setback to Biden's Green Agenda*, POLITICO (October 31, 2023), <https://www.politico.com/news/2023/10/31/offshore-wind-new-jersey-orsted-00124661>.

<sup>8</sup> Wayne Parry, *Tax Break for Offshore Wind Energy Developer Orsted Narrowly Approved in New Jersey Legislature*, WHYY (June 30, 2023), <https://whyy.org/articles/new-jersey-offshore-wind-orsted-tax-breaks/>; AFFORDABLE ENERGY FOR N.J., *Estimation of Tax Credits Available to Orsted for Ocean Wind 1*, POLITICO, <https://subscriber.politicopro.com/f/?id=00000187-4d39-d1c2-abc7-6d393b810000#>; *OCEAN Wind 1 Project*, PERMITTING DASHBOARD, PERFORMANCE.GOV, <https://www.permits.performance.gov/permitting-project/fast-41-covered-projects/ocean-wind-1-project> (last visited Jan. 29, 2024).

<sup>9</sup> 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/>.

preconstruction activities are blameless,<sup>10</sup> they have not produced 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.<sup>11</sup> Regulators acknowledge 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 the potential for collisions between animals and ships.<sup>12</sup>

Climate change is an immediate, existential crisis, and effective action is urgently needed to reduce carbon dioxide emissions. However, according to the Bureau of Ocean Energy Management, the offshore wind power plants will likely not contribute significantly to reducing climate change by themselves, will take years to become operational, and have a lifespan of 20 to 30 years.<sup>13</sup> At the same time, they will dramatically alter and harm the marine ecosystem, particularly endangered species including fish, marine mammals and sea turtles, adding to the stress the ecosystem is already experiencing.<sup>14</sup> The safest and most effective way to curb climate change and greenhouse gas emissions is to decrease energy consumption by reducing waste, increasing efficiency, and eliminating greenhouse gas leakages.<sup>15</sup> A healthy ocean is the planet's best buffer against climate change; it absorbs 90% of the heat generated in recent decades due to increasing greenhouse gases and about 30% of carbon dioxide emissions.<sup>16</sup>

Proponents of offshore wind energy development often cite job creation as a potential boon for the communities in which the projects are sited; however, in reality, American jobseekers will only receive a portion of the projected employment opportunities. Many of the major offshore wind developers are foreign enterprises, and development activities have been exempted from the Jones Act's requirements

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<sup>10</sup> 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](https://www.nj.gov/dep/newsrel/2023/23_0021.htm)

<sup>11</sup> See MARINE MAMMAL STRANDING CENTER, *Marine Mammal Stranding Center Statement on Whale Deaths* (February 17, 2023) (updated May 3, 2023).

<sup>12</sup> 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>.

<sup>13</sup> 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>.

<sup>14</sup> 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).

<sup>15</sup> 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>.

<sup>16</sup> NAT'L AERONAUTICS & SPACE ADMIN., *Ocean Warming*, GLOBAL CLIMATE CHANGE: VITAL SIGNS OF THE PLANET (last updated Nov. 30, 2023) <https://climate.nasa.gov/vital-signs/ocean-warming/>; NAT'L OCEANIC & ATMOSPHERIC ADMIN., *What is Ocean Acidification?*, NAT'L OCEAN SERV., <https://oceanservice.noaa.gov/facts/acidification.html>, (last visited Jan. 29, 2024)

to hire domestic labor and use domestic ships, rendering the law less effective.<sup>17</sup> Moreover, domestic manufacturing capacity cannot support the resource-intensive offshore wind industry, so materials are extracted or manufactured overseas.<sup>18</sup>

Considering all the uncertainty surrounding the offshore wind industry, development should be stopped until more is known about the practical, economic, and environmental realities of the industry. It is extremely encouraging that federal legislators' request for a GAO study on the impacts of offshore wind energy development in the North Atlantic Planning Area was approved in May 2023, as this will properly quantify the risks of offshore wind energy development against the purported benefits. Scientists and regulators agree that more data is needed on the impacts of large-scale offshore wind development on marine life, particularly baleen whales.<sup>19</sup> Therefore, a comprehensive, independent investigation into the cause of the spike in marine mammal deaths off the New York/New Jersey coast is essential to understand the impacts of offshore wind energy development in the region. In addition, a small-scale pilot project is critical to properly examine whether offshore wind energy is economically or environmentally feasible and should have been conducted before any commercial-scale leases were awarded. Together, these three actions will demonstrate the true, combined costs of offshore wind energy development and enable informed decisions.

In short, to be environmentally protective overall, offshore wind energy must be developed with due diligence, good governance, fiscal responsibility, and environmental stewardship. COA respectfully calls upon you now, President Biden, to stop offshore wind energy development in the North Atlantic Planning Area until all the above-mentioned actions occur. We look forward to your written response.

Respectfully,

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cc: Deb Haaland, Secretary of the Interior  
Liz Klein, Director, Bureau of Ocean Energy Management  
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Open Letter

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<sup>17</sup> 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](https://www.customsmobile.com/rulings/docview?doc_id=HQ%20H300962&highlight=category%3ACarriers).

<sup>18</sup> See Benjamin Storrow, *Not Made in America: Factory Shortage Stalls Offshore Wind*, POLITICO E&E NEWS (Sept. 29, 2023), <https://www.eenews.net/articles/not-made-in-america-factory-shortage-stalls-offshore-wind/>

<sup>19</sup> 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>.