



itp Clevenstine - NOAA Service Account <itp.clevenstine@noaa.gov>

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## Offshore windmills

1 message

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**Dennis Barteck** <dennisbarteckdc@yahoo.com>

Tue, Jun 20, 2023 at 1:16 PM

To: ITP.CLEVENSTINE@noaa.gov

I am a fisherman and a physician in the state of New Jersey. I've been fishing for over 40 years on the East Coast and I could tell you that the last three or four years, the tuna fishery and pelagic species that have been occupying the waters anywhere from 7 miles out to 40 miles has been incredible. The commercial fishery has been incredible. The last 3 to 4 years there are no tuna in the middle grounds or insure this year. It is clearly because of the sonar testing with all of the whales and dolphins showing up. What you are planning on doing on the east coast with the windmills will destroy the entire fishery and economy. You will put so many businesses out of business. If you put these windmills up, you are not considering how many lives, and how many businesses will be affected by federally, taking these waters away from the commercial and recreational fisherman, as well as the restaurants the fish markets the consumers you will destroy the economy. You have no idea how this will affect so many other things just like you did not realize how Covid would destroy so many peoples lives by your decisions you have no right to securities waters. We have no energy crisis. You are corrupt in everything you do over money and greed and control and power and this needs to end.



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## Wind turbine project

1 message

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**lisa bond** <lmagyar1979@gmail.com>

Wed, Jun 21, 2023 at 9:03 PM

To: "itp.clevensline@noaa.gov" <itp.clevensline@noaa.gov>

To whom it may concern,

As a New Jerseyan who lives at the Jersey Shore it is devastating to sit here and watch all the marine life perish on our shores now including 17 dead sharks on one day In Brigantine and Atlantic City.

Seems our public outcries have been ignored. Myself along with many others think all preparations for the turbines should cease immediately and the harassment of the many animals stop. With approx 340 American Rite whales left in the world why is a foreign company who has no interest in our country other than making money, be allowed to wipe out making extinct this beautiful species? No company should be allowed to do this!

While the people in government get rich along with these foreign companies we the people, are against it .

To list a few things that will have major impact are : the fishing industry, billions in tourism, navigation, ecosystem, visual impacts both day and night, killing of mammals, birds and fish , underwater noise, increase in ship strikes for whales and dolphins .... To name a few !!!!

I am utterly against these projects and am asking to cease until further investigations have been done.

Lisa Bond  
Little Egg Harbor

Kindly respond  
Thank you for your time



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## Invenergy Wind renewal

1 message

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**Erik Butcher** <erikbutcher@icloud.com>

Wed, May 31, 2023 at 12:41 PM

To: ITP.clevensline@noaa.gov

They have killed enough endangered marine mammals and whales. On top of it you blame vessel strike as cause of death and then want to restrict the recreational boating community speed to under 10kts. With all the wind companies being granted anywhere from 6-20 northern right whale M/S.I they will be gone and it wont be from ship strikes. What your doing with our tax dollars is offensive and disgusting. You ought to be ashamed of yourselves.

Erik Butcher



itp Clevestine - NOAA Service Account <itp.clevenstine@noaa.gov>

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## offshore wind

1 message

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**drcarman@comcast.net** <drcarman@comcast.net>  
To: ITP.CLEVENSTINE@noaa.gov

Tue, Jun 20, 2023 at 8:53 AM

To who it may concern,

I would like to simply state I am against the construction of the offshore wind turbine platforms at this point. The overall risks are still not worth the rewards. My concerns lie with the great potential of the lubricants used in the turbine system itself to pour into our water, the spills can/will be caused from simple wear and tear on the seals just like they occur in your and my personal vehicles. We abide by a normal maintenance schedule but seals still fail and oil still leaks.

We also all know that eventually a ship or recreational vessel will collide with one of these structures opening the environment up to a horrific system failure and potential collapse if a ship hits one. After an occurrence like this I believe the immediate action the regulators will take will be to then close waters around a perimeter of the platforms creating areas of closed waters to navigation. Our country tries so hard to keep open space for recreational use and to maintain a natural environment essentially these platforms will be closing down what is now open space. It just doesn't make sense to me.

Please remember there is a pile of rubble off our coast close to the beginning of the Hudson canyon (Texas Tower) from the last time our government tried to construct a structure off the New Jersey coast. This platform failed during a hurricane costing some people's lives.

The other unknown lie with what will happen with all of the cabling that will have to lie on the ocean floor, nobody knows how this will impact ocean going mammals and all sea life.

We need to know all the answers to every question that can come up before we invest in these systems. There ultimately will be mistakes and accidents. I hate to think of the day we have to close NJ beaches because of an oil spill like we have seen off other coasts. With the close proximity to our coast these are going to be built we as a state will not have time to react to a spill before miles of ocean are affected then the oil comes drifting ashore.

Please reconsider allowing these structures to be built off our coast.

Close this down before we have failures and accidents.

Just my 5 minutes of time given to you about these systems.

Thank you,

Dave Carman

Lifelong New Jersey resident



itp Clevestine - NOAA Service Account <itp.clevestine@noaa.gov>

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## NOAA Incidental Harassment Authorization

1 message

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**Rebecca Clarke** <reba0310@icloud.com>  
To: ITP.clevestine@noaa.gov

Mon, Jun 5, 2023 at 11:12 PM

Hello Jolie Harrison,

I am contacting you in regards to the proposed NOAA Incidental Harassment Authorization requested by Invenergy Wind Offshore LLC. This authorization for the offshore sonar survey proposal is massively cruel to the wild life it will affect and covers an unnecessarily large area of 6,000 square miles in the waters off of New Jersey and New York.

It is undeniable that sonar surveys *will* cause the deaths of a worrying number of whales. Unfortunately sonar surveys, are used to map off-shore wind farms. Sonar surveys can interfere with whale communication. Some whales and porpoises flee in terror from sonar, which can lead to their deaths.

Additionally the huge 2016 jump in annual humpback whale mortality coincides with the huge jump in NOAA Incidental Harassment Authorizations.

It is wildly hypocritical for a wind company that prides itself of being "non-polluting" to harm and kill thousands of marine mammals during its sonar surveys. I am asking you to consider the terrible implications this authorization would cause. Please do not allow this authorization to go forward, for the sake of the wildlife.

Sincerely,

Rebecca Clarke

Sent from my iPhone



itp Clevestine - NOAA Service Account <itp.clevestine@noaa.gov>

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## COA Comments on IHA Request by Invenergy Wind Offshore, LLC Agency/Docket Number: RTID 0648-XC970

1 message

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**Kari Martin (Clean Ocean Action)** <KMartin@cleanoceanaction.org>  
To: "ITP.clevestine@noaa.gov" <ITP.clevestine@noaa.gov>  
Cc: "Cindy Zipf (Clean Ocean Action)" <Zipf@cleanoceanaction.org>

Wed, Jun 21, 2023 at 7:23 PM

**RE: Incidental Take Authorization: "Leading Light"/Invenergy Wind Offshore, LLC Marine Site Characterization Surveys off New Jersey and New York, Agency/Docket Number: RTID 0648-XC970**

Dear Chief Harrison:

Clean Ocean Action submits the attached comments to the National Oceanic and Atmospheric Administration's ("NOAA") National Marine Fisheries Service ("NMFS") in opposition to the request for an Incidental Harassment Authorization ("IHA") from Invenergy Wind Offshore ("IWO") and energyRe for marine site characterization surveys for the development of an offshore wind ("OSW") energy power plant off the coast of New Jersey and New York.<sup>[1]</sup>

Sincerely,

Kari Martin

Advocacy Campaign Manager

Clean Ocean Action

[49 Avenel Boulevard](#)

[Long Branch, NJ 07740](#)

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[citizens@cleanoceanaction.org](mailto:citizens@cleanoceanaction.org)

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[1] Federal Register Notice, "Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Site Characterization Surveys in the New York Bight" for Invenergy Wind Offshore, published 5/22/2023.



**COA Comments Invenergy IHA 2023.pdf**

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*Ocean Advocacy  
Since 1984*

## Clean Ocean Action

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June 21, 2023

Jolie Harrison, Chief  
Permits and Conservation Division  
Office of Protected Resources  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910

**RE: Incidental Take Authorization: “Leading Light”/Invenergy Wind Offshore, LLC  
Marine Site Characterization Surveys off New Jersey and New York,  
Agency/Docket Number: RTID 0648-XC970**

Dear Chief Harrison:

Clean Ocean Action (“COA”) is a regional, broad-based coalition of conservation, environmental, fishing, boating, diving, student, surfing, women’s, business, civic, and community groups with a mission to improve the water quality of the marine waters off the New Jersey/New York coast. COA submits the following comments to the National Oceanic and Atmospheric Administration’s (“NOAA”) National Marine Fisheries Service (“NMFS”) in opposition to the request for an Incidental Harassment Authorization (“IHA”) from Invenergy Wind Offshore (“IWO”) and energyRe (henceforth, the “Applicants”) for marine site characterization surveys for the development of an offshore wind (“OSW”) energy power plant off the coast of New Jersey and New York.<sup>1</sup>

The IHA request, if approved, would authorize the “takes” of **5,450 marine mammals** by “Level B harassment” over the course of one year for pre-construction activities for the offshore wind project area. According to the Public Notice, “Underwater sound resulting from IWO’s marine site characterization survey activities, specifically HRG surveys, have the potential to result in incidental take of marine mammals in the form of Level B harassment.”<sup>2</sup> Regarding the proposed activities, the survey efforts of three concurrent vessels is extensive: “There is up to 12,818 km of trackline survey effort planned: a maximum trackline length of 7,460 km is planned for the Lease Area and 5,358 km for the ECR Area.”<sup>3</sup>

From the outset, it is shocking that the NMFS is moving aggressively forward reviewing and issuing IHAs, as well as Incidental Take Regulations (“ITR”) and associated Letter of

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<sup>1</sup> Federal Register Notice, [“Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Site Characterization Surveys in the New York Bight”](#) for Invenergy Wind Offshore, published 5/22/2023.

<sup>2</sup> See *id.*

<sup>3</sup> See *id.*



Authorizations (“LOA”), with little to no baseline assessment of marine mammal studies in the region. Indeed, the New Jersey Department of Environmental Protection (NJDEP) recently authorized a marine mammal monitoring plan for whales. The absence of baseline data will result in the absence of good science. Indeed, NMFS agency officials are also frustrated: “ ‘We’re building this ship as we’re sailing it,’ NMFS scientist Andrew Lipsky said last October at a conference on wind power. ‘When we don’t think through the science, we often get ourselves in trouble.’ ”<sup>4</sup>

This IHA request, if approved, would allow the Applicants to “take” or “harass” **5,450 marine mammals** by “Level B Harassment” during the pre-construction activities for an offshore wind power plant. According to the Federal Register Notice, the marine mammals included in the proposed take amounts are of **15 different species** and include the following endangered species:

- North Atlantic right whale: 6
- Fin whale: 18
- Sei whale: 7
- Sperm whale: 2.<sup>5</sup>

Per the Marine Mammal Protection Act (“MMPA”), other federally protected whales in the Applicants’ proposed take amounts by Level B harassment include:

- Humpback whales: 13
- Minke whales: 92
- Common bottlenose dolphins (offshore and coastal): 1,406
- Atlantic white-sided dolphins: 101
- Common dolphins: 888
- Harbor porpoise: 950
- Gray and Harbor seals: 1,900, and
- other protected dolphins and porpoise species.<sup>6</sup>

COA notes that this application to “take” marine mammals is in addition to the **14 current “active” take authorizations (IHAs and ITRs)** to harass marine mammals for preconstruction and construction activities for offshore wind power plants on the East Coast.<sup>7</sup> Collectively, these take authorizations are already allowing the harassment of hundreds of thousands of marine mammals. In addition, there are **15 “in process”** authorizations (including the Applicants’) to harass hundreds of thousands of marine mammals on the East Coast for preconstruction and construction activities, many of which have open public comment periods.

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<sup>4</sup> Sennott, Will and Anastasia Lennon. “Blown Away: Fishermen Endangered by Offshore Wind’s Political Power.” The New Bedford Light, April 18, 2023, <https://www.propublica.org/article/fishermen-endangered-offshore-wind-political-power>.

<sup>5</sup> Federal Register Notice, “[Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Site Characterization Surveys in the New York Bight](#)” for Invenergy Wind Offshore, published 5/22/2023.

<sup>6</sup> See *id.*

<sup>7</sup> National Oceanic & Atmospheric Administration, “Incidental Take Authorizations for Other Energy Activities (Renewable/LNG), as seen 5/22/2023, <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable>.

Indeed, it appears there are no limits by BOEM for the allowance of incidental take impacts from the current application as well as for the full scope of pending OSW proposals as provided by the NMFS:

*By 2030 the Northeast large marine ecosystem will be occupied by over 2.4 million acres of leases, 3,400 turbines, and 10,000 miles of submarine cables; and an additional 5.7 million acres is also under consideration for further development.*<sup>8</sup>

It is impossible for marine mammals to adapt to such massive industrial scope and scale of offshore wind development with each project at minimum causing the excessive impacts described by just one Applicants' project. The activities described in the Applicants' IHA request have been documented to result in species harassment, hence the need for incidental take authorizations.

The mission of the NOAA NMFS Office of Protected Species is "responsible for the protection, conservation, and recovery of more than 160 endangered and threatened marine and anadromous species under the Endangered Species Act. The goal of the ESA is to conserve these species and the ecosystems they depend on."<sup>9</sup> The government is obligated to provide assessments of the potential and real marine ecosystem impacts, and then stipulate policies and regulations to avoid and reduce negative impacts and ensure appropriate and meaningful mitigation of the unavoidable impacts. This also requires, at minimum, a fair, comprehensive, and independently peer-reviewed pilot project for this unproven, large-scale industry in US waters. Indeed, this also requires sound science supported by robust baseline ecological assessments and independent and peer-reviewed studies which are currently planned, only just begun, or underway and incomplete.

Instead, the government is fast-tracking projects, including the Applicants' project. There are numerous Memorandums of Understanding and Memorandums of Agreement between federal agencies to streamline approval of OSW projects. In fact, in early May 2023, the Biden Administration announced a new Memorandum of Understanding.<sup>10</sup> Further, there are several OSW projects in the NY/NJ region designated federal as "Fast-41 projects." However, fast-tracking projects is not protective of marine species. The government's fast-tracking of OSW projects is inconsistent with good governance of public resources, the precautionary principle, and most importantly, laws including the Endangered Species Act ("ESA"). From the outset:

*Section 7(a)(2) of the ESA requires BOEM, in consultation with NOAA Fisheries, to ensure that any action the agencies authorize, fund, or carry out is not likely to jeopardize the continued existence of any endangered species or result in the*

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<sup>8</sup> Andy Lipsky, NOAA Fisheries. "Fisheries, Wildlife, and Ecosystem Science in a New Era of Offshore Wind Energy Development." NOAA Ecosystem Based Management and Ecosystem Based-Fisheries Management Seminar Series, March 9, 2022, <https://www.youtube.com/watch?v=Dh7yBEDHzL8>.

<sup>9</sup> National Oceanic & Atmospheric Administration, "About Us: Office of Protected Resources," as seen on 12/9/2022, <https://www.fisheries.noaa.gov/about/office-protected-resources>

<sup>10</sup> The White House, "FACT SHEET: Biden-Harris Administration Outlines Priorities for Building America's Energy Infrastructure Faster, Safer, and Cleaner," May 10, 2023, <https://www.whitehouse.gov/briefing-room/statements-releases/2023/05/10/fact-sheet-biden-harris-administration-outlines-priorities-for-building-america-s-energy-infrastructure-faster-safer-and-cleaner/>

*destruction or adverse modification of designated critical habitat; this coordination is accomplished through ESA section 7 consultations. BOEM and NOAA Fisheries are required by the ESA to use the best scientific and commercial data available when carrying out these consultations.<sup>11</sup>*

It is important to note here that there are **no** permitting rules for marine site characterization surveying activities. COA finds it shocking and unconscionable that there are no permitting requirements for geological and geophysical surveys under the Bureau of Ocean Energy Management (“BOEM”). The recent BOEM Modernization Rule proposal states:

*Although BOEM requires a lessee to submit the results of certain surveys to BOEM in order to obtain approval of its COP, those regulations do not require BOEM's approval of a permit for such surveys. Instead, BOEM has provided guidance on conducting such surveys and also includes terms and conditions in renewable energy leases that require lessees to submit survey plans to BOEM for review in advance of their survey activities. BOEM's review of the plans, while not an approval process, does provide BOEM an opportunity to communicate with lessees to ensure the lessees' survey results will meet BOEM's information needs and to ensure certain environmental conditions are met in conducting the surveys.<sup>12</sup>*

Given this, it raises more questions about how it is possible that BOEM asserts without question that there is absolutely “no evidence” that offshore wind activities have any connection to the unprecedented number of dead whales that continue to wash-up on beaches in the NY/NJ region, particularly from December 2022 to March 2023. It is now clear there are no regulations; there are no “rules of the road” regarding survey work. Without such regulations, how can BOEM possibly make such a claim? Is the only requirement for survey vessels currently under the Marine Mammal Protection Act (“MMPA”) requiring IHA authorizations which are limited in scope? In the Proposed Modernization Rule, BOEM admits not having the regulatory authority to govern surveys: “BOEM's existing renewable energy regulations do not expressly govern survey activities.”<sup>13</sup>

Further, regarding impacts to marine life from offshore wind development, NOAA Fisheries assumes the success of mitigation measures for impacts from offshore wind development. Before mitigation is considered, avoidance and minimization are required. However, without baseline studies and a pilot project to determine impacts, how can mitigation measures be established? This massive cumulative impact of multiple projects by a nascent US industry has not been assessed, and as described above has no precedence or permitting system. What is this mitigation strategy based on? What if mitigation measures fail? Since there is no transparent, consistent publicly available real-time assessment and reporting activities, how will NMFS even know?

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<sup>11</sup> NOAA Fisheries, “Section 7: Types of Endangered Species Act Consultations in the Greater Atlantic Region,” as seen 4/30/2023, <https://www.fisheries.noaa.gov/insight/section-7-types-endangered-species-act-consultations-greater-atlantic-region>.

<sup>12</sup> Federal Register, “Renewable Energy Modernization Rule,” Bureau of Ocean Energy Management, Publication Date: 1/30/2023, <https://www.federalregister.gov/documents/2023/01/30/2023-00668/renewable-energy-modernization-rule>.

<sup>13</sup> See *id.*

How is BOEM determining if mitigation measures are enough to prevent harassment to marine mammals during the survey work? What are the ecological guardrails? How and when would it be determined that additional harassment is occurring, and work must stop? There are numerous questions to be answered to ensure the protection of the marine ecosystem.

In sum, COA requests that NMFS deny this IHA request because:

1. there are no permitting requirements for geological and geophysical surveys under the Bureau of Ocean Energy Management (“BOEM”).
2. it is an incomplete evaluation due to the lack of new information and new protection strategies under development by federal agencies, particularly for the critically endangered North Atlantic right whale (“NARW”).
3. it would allow thousands of Level B takes of endangered, threatened, and/or protected marine mammal species, including the NARW, which will have significant and more than “negligible” impacts on a species on the precipice of extinction.
4. it will unacceptably add impacts to the already detrimental cumulative impacts of the numerous take authorizations and requests from the requests and authorizations for other offshore wind industry companies’ previous, current, and forthcoming take authorizations for preconstruction, construction, operation, and decommissioning of OSW facilities.
5. it raises other issues of importance, including lack of fairness, transparency, and accountability.
6. it fails to address the cumulative impacts and effects of previous and concurrent preconstruction surveys and construction activities in the region.
7. an independent assessment is needed to determine if the unprecedented geotechnical and geophysical activities may be linked to the spike of whale and dolphin strandings in the region of the offshore wind activities.

It is unacceptable and harmful to marine resources to be moving forward with incidental take authorizations at the current scope and scale of OSW energy development without sound science, transparency, due diligence, and meaningful public engagement. Clean Ocean Action urges NMFS to reject the Applicants’ IHA request for the construction of an offshore wind power plant for the reasons outlined below in these comments.

***I. Deny and Rescind the IHA request, as well as other “in process” take authorization requests, due to the: A.) Five-Year Strategy to protect NARW under development, B.) Lack of basic research about impacts to large whales, C.) Unprecedented number of whale deaths occurring in a short period of time along the NJ/NY coast starting in December 2022.***

***A. Five-Year Strategy to Protect NARW is Under Development***

The Bureau of Ocean Energy Management (“BOEM”) and NOAA Fisheries’ “Draft North Atlantic Right Whale and Offshore Wind Strategy” (hereafter “Draft Strategy”) was proposed for public review but has not yet been finalized. This five-year protection plan for the North Atlantic right whale (“NARW”), while flawed and incomplete, is currently under development and stipulates the dire status of the NARW and need for additional protection. To ensure the best chance of survival, incidental take authorizations must be halted until the strategy is complete

and measures to avoid, minimize, or eliminate harm are determined so they can be applied to these projects.

The NARW is one of the most critically endangered species. Based on the population status, the outlook for the survival of the NARW is grim, especially with new threats, including offshore wind energy development. The NMFS' last five-year review of the NARW, published in 2017, notes that the species' population grew from 270 to 483 whales between 1990 and 2010; but the number of individuals remaining declined to 440-458 by 2017.<sup>14</sup> The 2017 five-year review further notes that NMFS declared an unusual mortality event ("UME") under the Marine Mammal Protection Act ("MMPA") in August 2017 after 15 known NARW deaths occurred within a four-month span. The NARW population has continued to decline. In October 2021, the North Atlantic Right Whale Consortium announced that just 336 individual NARWs remain.<sup>15</sup> The Draft Strategy affirms this dire status in Section 2.3 where it states:

*"The potential biological removal (PBR) level for the species, defined as the maximum number of animals that can be removed annually while allowing the stock to reach or maintain its optimal sustainable population level, is less than 1 (Hayes et al. 2022)." <sup>16</sup> (Emphasis added)*

To be clear, ***not one*** of the remaining NARW can be lost -- an unambiguous and stern statement. The study goes on to state: "The species has low genetic diversity, as would be expected based on its low abundance, and the species' resilience to future perturbations is expected to be very low (Hayes et al. 2018)." <sup>17</sup> This information suggests that harassment can have population impacts and must be avoided or significantly reduced to protect the NARW population. It is possible that construction "perturbations" would likely trigger Level A & Level B Harassment impacts to the NARW. Yet, the proposed IHA does not list Level A impacts to the NARW. Based on this, for the protection of the NARW, offshore wind energy development should be paused until the federal agencies determine how best to eliminate or avoid all impacts, Level A or B, on the NARW.

## ***B. Lack of Basic Research About Impacts to Large Whales***

In addition, there is a lack of basic research of the impacts of OSW energy development on large whale species in U.S. waters, particularly in the mid-Atlantic region. It is reckless to move forward without the scientific baseline assessments for what harm may or could occur to whales before issuing any permits and authorizations, including IHAs, ITRs, and associated LOAs.

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<sup>14</sup> *North Atlantic Right Whale (Eubalaena glacialis) 5-year Review: Summary and Evaluation*, NATL. MARINE FISHERIES SERV. GREATER ATLANTIC REGIONAL FISHERIES OFFICE (2017), <https://www.fisheries.noaa.gov/resource/document/5-year-review-north-atlantic-right-whale-eubalaena-glacialis> [hereafter "2017 5-Year Review"].

<sup>15</sup> H.M. Pettis, et al., *North Atlantic Right Whale Consortium 2021 Annual Report Card: Report to the North Atlantic Right Whale Consortium* (2022), [https://www.narwc.org/uploads/1/1/6/6/116623219/2021report\\_cardfinal.pdf](https://www.narwc.org/uploads/1/1/6/6/116623219/2021report_cardfinal.pdf).

<sup>16</sup> U.S. Department of Interior Bureau of Ocean Energy Management and U.S. Department of Commerce National Oceanic and Atmospheric Administration NOAA Fisheries, *Draft BOEM and NOAA Fisheries North Atlantic Right Whale and Offshore Wind Strategy*. October 2022, page 5.

<sup>17</sup> *See id.*

### 1. Failure to include crucial scientific assessments and consultations

In a May 2022 letter obtained under the Freedom of Information Act by Bloomberg Law, Dr. Sean Hayes, PhD, Chief of Protected Species, NOAA NEFSC, clearly documents and confirms the NARW's fragile hold on existence. First, the Chief of Protected Species notes that there are less than 350 remaining NARW animals.<sup>18</sup> Again, COA notes, the Draft North Atlantic Right Whale and Offshore Wind Strategy states that not one animal can be lost.

Looking later in the development phases of OSW facilities, the letter from Dr. Hayes states:

*The development of offshore wind poses risks to these species, which is magnified in southern New England waters due to species abundance and distribution. These risks occur at varying stages, including construction and development, and include increased noise, vessel traffic, habitat modifications, water withdrawals associated with certain sub-stations and resultant impingement/entrainment of zooplankton, changes in fishing effort and related potential increased entanglement risk, and oceanographic changes that may disrupt the distribution, abundance, and availability of typical right whale food (e.g., Dorrell et al 2022).<sup>19</sup>*

It is clear that any further disturbance of the NARW species will have an impact on this critically endangered species. Some scientists estimate that the species will go extinct within 20 years with current threats.<sup>20</sup>

### 2. Threats to Marine Mammal Health & Survival

The threats to marine mammals, including NARW, include:

*negative impacts to whale habitat which may take the form of development, pollution, noise, overfishing, and climate change. Shipping channels, aquaculture, offshore energy development, and recreational use of marine areas may destroy whale habitat or displace whales which would normally use the area. Oil spills and other chemical pollutants are also a threat to whales and the prey which they feed on.<sup>21</sup>*

Specifically, about offshore wind development impacts on the marine ecosystem, NMFS says,

*Scientists around the world are still investigating the potential impacts of offshore wind energy development on marine life. Site assessment, construction, and operations could interact with marine life on the seabed, in the water, and at the surface. For example, offshore wind energy projects could:*

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<sup>18</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, dated May 13, 2022.

<sup>19</sup> See *id.*

<sup>20</sup> Pennisi, Elizabeth. "The North Atlantic right whale faces extinction." Science, November 7, 2017, <https://www.science.org/content/article/north-atlantic-right-whale-faces-extinction>.

<sup>21</sup> Conserve Wildlife Foundation of New Jersey, "New Jersey Endangered and Threatened Species Field Guide: North Atlantic Right Whale," as seen 12/9/2022, <http://www.conservewildlifenj.org/species/fieldguide/view/Eubalaena%20glacialis/>

- *Increase ocean noise, which could affect the behaviors of fish, whales, and other species*
- *Introduce electro-magnetic fields that impact navigation, predator detection, communication, and the ability for fish and shellfish to find mates*
- *Change existing habitats by altering local or regional hydrodynamics*
- *Create a “reef effect” where marine life cluster around the hard surfaces of wind developments*
- *Impact organism life cycle stages, including larval dispersal and spawning*
- *Change species composition, abundance, distribution, and survival rates*
- *Increase vessel traffic, which could lead to more vessel strikes*
- *Release contaminants that can be consumed or absorbed by marine life.*<sup>22</sup>

Offshore wind, in the current proposed scale, scope, and magnitude significantly add to the threats to marine mammals, including noise, vessel strikes, and impacts to prey. Access to food sources for large whales is essential. The importance of the waters off New Jersey as feeding grounds for all marine mammals is increasing.

The threats to marine life, including NARW, from offshore wind development activities are year-round. It is documented that North Atlantic right whales are in the region at all times of the year. Data from WhaleMap and the Mid-Atlantic Ocean Data Portal indicate an abundance of NARWs off the NJ coast throughout the year<sup>23</sup>. Further, a Right Whale Slow Zone southeast of Atlantic City was effective in December 2021<sup>24</sup>. According to the Conserve Wildlife Foundation of New Jersey:

*Within the western North Atlantic Ocean, right whales feed during spring, summer, and fall in temperate and subpolar latitudes near eastern Canada and the northeastern U.S. During the winter, many individuals from this population can be found off the northeast coast of Florida and Georgia, their breeding and calving grounds. Some right whales, however, may remain at their northern feeding grounds during the winter.*<sup>25</sup>

Other studies concur finding year-round presence of right whales in the mid-Atlantic (Whitt et al Atlantic). Right whales are present in the mid-Atlantic more often than previously believed.”<sup>26</sup>

The Applicants’ activities will increase the number of vessels in the ocean in the project area, leading to an increased threat of harm by vessel strikes to marine mammals. Specifically,

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<sup>22</sup> National Oceanic & Atmospheric Administration, National Marine Fisheries Service, “Offshore Wind Energy: Protecting Marine Life,” <https://www.fisheries.noaa.gov/topic/offshore-wind-energy/protecting-marine-life>, as seen 5/14/2023.

<sup>23</sup> See <https://whalemap.org>; <https://portal.midatlanticocean.org>.

<sup>24</sup> National Oceanic & Atmospheric Administration, Fisheries, “Extension of Right Whale Slow Zone Southeast of Atlantic City, NJ.” As seen, 11/15, 2022: <https://content.govdelivery.com/accounts/USNOAAFISHERIES/bulletins/2fef565>.

<sup>25</sup> Conserve Wildlife Foundation of New Jersey, “New Jersey Endangered and Threatened Species Field Guide: North Atlantic Right Whale,” as seen 12/9/2022, <http://www.conservewildlifenj.org/species/fieldguide/view/Eubalaena%20glacialis/>

<sup>26</sup> New York State Department of Environmental Conservation, “Species Status Assessment,” as seen 12/9/2022, [https://www.dec.ny.gov/docs/wildlife\\_pdf/sgcnnatrightwhale.pdf](https://www.dec.ny.gov/docs/wildlife_pdf/sgcnnatrightwhale.pdf).

“collisions with ships are an increasing threat to right whales...Right whales are especially slow-moving, compared to other large whales, and therefore more susceptible to being struck by ships.”<sup>27</sup> Further, the take authorizations issued by NMFS include the requirement of Protected Species Observers (“PSO”) on board vessels. However, as NOAA itself states: “Right whales can be very difficult to spot from a boat due to their dark color and lack of a dorsal fin. Poor weather and sea state or low light conditions can make spotting these whales nearly impossible.”<sup>28</sup>

Further, COA urges NMFS to specifically assess the cumulative impacts on marine mammals, particularly the NARW, from all the vessels associated with the Applicants’ project as well as other offshore wind projects proposed or underway in this region.

### 3. *Excessive Takes of Marine Mammals*

Under the Marine Mammal Protection Act (“MMPA”), citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region may request authorization for incidental, but not intentional, takes of “**small numbers**” (*emphasis added*) of marine mammals pursuant to that activity for a period of no more than five years.<sup>29</sup> The NMFS, which has been delegated the authority to administer the relevant legal framework, may allow takes under the MMPA only if the agency determines that the total number of authorized incidental takes during the five-year period will have a “negligible impact” on the relevant species or stock.<sup>30</sup> “Negligible impact” is, in turn, defined as an impact that is not reasonably likely or expected to “adversely affect the species or stock through effects on annual rates of recruitment or survival.”<sup>31</sup> Finally, the applicable legal framework distinguishes between “Level A” takes and “Level B” takes. In the context of offshore wind energy development and related activities, “Level B harassment” refers to “any act of pursuit, torment, or announcement which has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.”<sup>32</sup> “Level A” takings, on the other hand, refer to “any act of pursuit, torment, or annoyance which has the potential to injure a marine mammal or marine mammal stock in the wild.”<sup>33</sup>

Recently, NMFS announced a disturbing “biological opinion”<sup>34</sup> for Ocean Wind 1, another massive OSW project proposed off New Jersey, that states the project will “likely to adversely

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<sup>27</sup> Conserve Wildlife Foundation of New Jersey, “New Jersey Endangered and Threatened Species Field Guide: North Atlantic Right Whale,” as seen 12/9/2022, <http://www.conservewildlifenj.org/species/fieldguide/view/Eubalaena%20glacialis/>

<sup>28</sup> National Oceanic & Atmospheric Administration, National Marine Fisheries Service, “Reducing Vessel Strikes to North Atlantic Right Whales,” <https://www.fisheries.noaa.gov/national/endangered-species-conservation/reducing-vessel-strikes-north-atlantic-right-whales> as seen on 5/15/2023.

<sup>29</sup> 16 U.S.C. § 1371(a)(5)(A)(i).

<sup>30</sup> *Id.* § 1371(a)(5)(A)(i)(I).

<sup>31</sup> 50 C.F.R. § 18.27(c).

<sup>32</sup> 16 U.S.C. § 1362(18).

<sup>33</sup> *Id.*

<sup>34</sup> National Oceanic & Atmospheric Administration, National Marine Fisheries Service, “NOAA Issuing Biological



affect, but is not likely to jeopardize, the continued existence of any species of ESA-listed whales, sea turtles, or Atlantic sturgeon or destroy or adversely modify any designated critical habitat.”<sup>35</sup> This federal does not exude confidence in the protection of marine life; in fact, it is alarming. This biological assessment and opinion are just for *one* of the many OSW projects – Ocean Wind 1. Cumulatively, with all the issued and pending take authorizations for the 30 projects in the Northeast, how many issued takes will cause impacts on species populations? What are the thresholds for action should those cumulative takes cause harm? What are the response plans for impacts to marine mammals should populations decline or be impacted? These questions must be answered prior to the issuance of further take authorizations, especially for the NARW.

a) *COA rejects the numbers proposed in the application as “Small”*

The number of takes in this Draft IHA for the Applicant is **5,450 marine mammals**. These take numbers are not “small;” however, of greater concern is the cumulative impacts of all the takes the Applicants will need throughout the lifecycle of the project, as well as from the numerous, concurrent projects in the region for siting and characterization, construction, and operation, and later, decommissioning. The take numbers fail to meet the legal requirements for mammal protection, much less for endangered species.

*North Atlantic Right Whales*

The harm that offshore wind energy development may inflict upon NARWs throughout site assessment, construction, and operation, is widely recognized.<sup>36</sup> Offshore wind projects will significantly exacerbate the existing threats posed to NARWs by ship collisions and entanglements. With such low population numbers, and, as noted earlier, based on the recommendation by a federal scientist that not one NARW can be lost, cumulative impacts must be considered for NARWs and other endangered species.

Moreover, the impacts of activities that may be authorized in this IHA request will compound those that will be required by the Applicants in the future. Moreover, the aforementioned sum must be considered alongside other takes of marine mammal species, including the critically endangered NARWs, that NMFS has authorized for other wind activities along the species’ migratory range from North Carolina to Maine. Such authorizations include those for site characterization, assessment, and construction activities that are simultaneously occurring for offshore wind energy development lease sites.

Again, currently, there are **14 Active Incidental Take Authorizations** (for marine site characterizations and construction) and **15 “in process” Incidental Take Authorizations** (for

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Opinion on the Ocean Wind 1 Offshore Energy Project,” April 4, 2023,

<https://content.govdelivery.com/accounts/USNOAAFISHERIES/bulletins/352c198>.

<sup>35</sup> National Oceanic & Atmospheric Administration, NOAA Fisheries, “[NOAA Issuing Biological Opinion on the Ocean Wind 1 Offshore Energy Project](#),” April 4, 2023.

<sup>36</sup> See Conservation Law Foundation, et al., *Strong Mitigation Measures Are Essential to Protect the North Atlantic Right Whale During All Phases of Offshore Wind Energy Development* (Feb. 2022), [https://www.nrdc.org/sites/default/files/narw-mitigation\\_feb2022.pdf](https://www.nrdc.org/sites/default/files/narw-mitigation_feb2022.pdf); Vineyard Wind – NGO Agreement (Jan. 22, 2019), <https://www.nrdc.org/sites/default/files/vineyard-wind-whales-agreement-20190122.pdf>.

marine site characterizations and construction) for offshore wind projects from Maine to South Carolina. It is also important to note again that this take request precedes the future take authorizations needed for continued construction, operation, and decommissioning.

Of all species under consideration in this application, the NARW population is the most susceptible to even the slightest harm. Also, COA notes that vessel strikes pose one of the largest threats to NARWs. According to NOAA, “vessels of nearly any size can injure or kill a right whale<sup>37</sup>.” If approved, the survey vessels will add more vessels and round-trip vessel trips to an already busy port region, thereby adding more opportunities for vessel strikes. For accountability and fairness, how and who will determine which vessel struck a NARW or other species if that should happen? Especially given the threat posed to NARWs as a species by even one instance of a vessel collision, and the existence of NARW in the project area, NMFS should reject/deny the Applicants’ request.

In addition, noise is a significant threat to the survival of whales:

*Noise pollution created by ship traffic or offshore construction may negatively impact whales by disrupting otherwise normal behaviors associated with migration, feeding, alluding predators, rest, breeding, etc. Any changes to these behaviors may decrease survival, simply by increasing efforts directed at avoidance of the noise and the perceived threat.<sup>38</sup>*

A growing source of noise pollution that interferes with NARWs’ most vital social functions is offshore wind-related activities. More specifically, low frequency noise from large ships involved in offshore wind-related activities overlaps with the acoustic signals used by right whales. These large whales rely on sound to breed, navigate coastlines, and find food. Right whales communicate with one another by making calls, which can cover distances of more than 20 miles.<sup>39</sup> The calls let whales stay in touch, share information about food, help mates find each other, and keep groups together while traveling.

Rising levels of ocean noise are interfering with whales’ ability to communicate. Anthropogenic noise interferes with their ability to eat, mate, and navigate; therefore, it is essential to their survival that these sounds travel the ocean undisturbed.<sup>40</sup> North Atlantic right whales have been observed increasing their call amplitude with the rise of background noise, and noise pollution has been correlated with an increase in stress-related fecal hormone metabolites.<sup>41</sup>

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<sup>37</sup> *See id.*

<sup>38</sup> Conserve Wildlife Foundation of New Jersey, “New Jersey Endangered and Threatened Species Field Guide: North Atlantic Right Whale,” as seen 12/9/2022, <http://www.conservewildlifenj.org/species/fieldguide/view/Eubalaena%20glacialis/>

<sup>39</sup> Woods Hole Oceanographic Institution, “Right Whales,” as seen 11/15/2022, <https://www.whoi.edu/know-your-ocean/ocean-topics/ocean-life/marine-mammals/right-whales/>.

<sup>40</sup> National Oceanic & Atmospheric Administration, Fisheries, “North Atlantic Right Whale,” as seen 11/15/2022, <https://www.fisheries.noaa.gov/species/north-atlantic-right-whale>.

<sup>41</sup> *North Atlantic Right Whale 5-Year Review*, NOAA FISHERIES SERV. NE. REG’L OFFICE 11-12 (Aug. 2012), [http://www.nmfs.noaa.gov/pr/pdfs/species/narightwhale\\_5yearreview.pdf](http://www.nmfs.noaa.gov/pr/pdfs/species/narightwhale_5yearreview.pdf)

*b. Excessive Takes of Other Marine Mammal Species, including Endangered & Threatened*

Clean Ocean Action finds the variety of species and total number of individual Level B takes proposed by the Applicants unsupportable. The takes also include endangered and protected marine mammals.

Bottlenose dolphin are highly social, and arguably the most recognized and beloved small cetacean.<sup>42</sup> In addition to their inherent value to the American public, the dolphins are an increasingly important driver of economic growth for tourism and related industries.<sup>43</sup> The cumulative impact of harassing thousands of bottlenose dolphin may be considerable and irreversible, but these impacts are not considered in the application as currently proposed.

COA also strongly encourages NMFS to reject the take request due to deficiencies in its analysis concerning the proposed activities' effects on harbor seals. Frequently spotted along both the East and West Coasts of the U.S., harbor seals are known for resting on floating ice with their head and rear flippers elevated in a "banana-like" position, leading to their popularity with excited winter beach-goers.<sup>44</sup> Besides their wide recognition among the American public, harbor seals also play a major role in maintaining balance in marine food webs as well.<sup>45</sup>

Despite the unique importance of this species, however, COA maintains there is not sufficient baseline information about how harbor seals use the waters at the Applicants' lease site to conclude that the activities covered by the application will have a negligible impact on harbor seals. More specifically, a COA employee attended a virtual "Science Saturday" event in early 2022 at which a representative of the New Jersey Department of Environmental Protection ("NJDEP") indicated that, to date, no one has tracked harbor seals to understand the species' pre-construction use of offshore wind energy lease areas off the NJ coast.<sup>46</sup> This admission strongly suggests that decisionmakers do not yet have sufficient information about the role of these lease areas in harbor seals' life-cycles to substantiate the numbers of harassments expected to occur by this application. With this in mind, the Applicant requests the taking of **950** harbor seals and **950** gray seals by Level B takes, for a total Level B harassment of **1,900 seals**. With so little baseline information available about seals and their use of the project area and waters off New Jersey, NMFS should therefore reject the Applicants' take request.

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<sup>42</sup> *Common Bottlenose Dolphin*, MARINE MAMMAL CENTER (visited Feb. 28, 2022), <https://www.marinemammalcenter.org/animal-care/learn-about-marine-mammals/cetaceans/common-bottlenose-dolphin>.

<sup>43</sup> *The Economic of Marine Mammals*, MARINE MAMMAL COMMISSION (visited Feb. 28, 2022), <https://www.mmc.gov/priority-topics/value-marine-mammals/>.

<sup>44</sup> *Harbor Seal*, NATL. MARINE FISHERIES SERV. (visited Feb. 28, 2022), <https://www.fisheries.noaa.gov/species/harbor-seal>.

<sup>45</sup> *Seals*, INTL. FUND FOR ANIMAL WELFARE (visited Feb. 22, 2022), <https://www.ifaw.org/animals/seals#:~:text=As%20one%20of%20the%20keystone,%2C%20polar%20bears%2C%20and%20sharks>.

<sup>46</sup> "Science Saturday: Offshore Wind," LONG BEACH ISLAND FOUNDATION OF ARTS AND SCIENCES (Feb. 19, 2022). Specifically, the NJDEP representative identified the tracking of harbor seals off the NJ coast to understand their use of lease areas prior to the construction of offshore wind turbines as a project concept that NJDEP is currently considering.

***C. Unprecedented number of whale deaths occurring in a short period of time along the NJ/NY coast starting in December 2022***

Especially in light of the NARW's critically endangered status, the ongoing Unusual Mortality Event that this species is experiencing and, consequently, the existential threat posed to the species by obstacles to even one individual's survival, the best scientific literature cannot justify harassing even one of the 336 remaining individuals in a short timeframe for the Applicants' activities. Harassing one NARW is not negligible; it is significant. This is particularly true upon consideration of the multitude of additional NARW takings that the Applicants will be pursuing for the continued preconstruction, as well as the construction, operation, and decommissioning phases of the Applicants' project. Again, not one NARW can be lost according to federal scientists, as previously noted.

Further, according to reports of dead marine mammals to Clean Ocean Action the Marine Mammal Stranding Center<sup>47</sup> to date, at least **11 whales and at least 37 dolphins and porpoises** have washed ashore dead in the NY/NJ region since December 2022. COA, along with members of the public, including over **387,782 people**, have called for a pause in any offshore shore wind related activities until an investigation is conducted into the potential causes of the whale and dolphin deaths. Based on the NMFS list of impacts caused by offshore wind, which includes noise and ship strikes, it is plausible that the preconstruction offshore wind activities can be connected with these marine mammal deaths and must be thoroughly investigated. Indeed, there are more harassment authorizations under review and in process.

In response to this request, NMFS, BOEM and Marine Mammal Commission have denied a possible link; however, no evidence has been presented to detail these findings by the agencies, to date. Following the denials, these agencies stated that the whale deaths were due to increased ship strikes and increased whale populations in the region. However, no substantiating data was provided on either alleged cause. Can the NMFS provide studies and evidence that whales are increasing in the region during the winter?

It should be noted that less than 50% of the whales had evidence of ship strikes, and ship strikes do not necessarily determine cause of death. Whales may have been hit after death or been impaired by another cause, and then secondarily hit by a ship. Also, due to their erratic and frequent activity, survey ships should not be discounted as a cause without evidence.

To fact check the increased shipping narrative, COA reviewed the data from the Port Authority of NY/NJ Twenty Equipment Unit (TEU) data, which shows commerce was down over 20% in December, when whales first started frequently washing-up, and commerce declined about 25% to date from January - March of 2023.<sup>48</sup> Therefore, it is not accurate to say increased shipping was the definitive cause of ship strikes on whales during this time.

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<sup>47</sup> Marine Mammal Stranding Center, "NJ Cetacean Strandings from December 2022 Through Present," <https://mmsc.org/cetaceans-2002-2023> as seen 5/15/2023.

<sup>48</sup> The Port Authority of New York and New Jersey, "Facts and Figures," as seen 4/30/2023, <https://www.panynj.gov/port/en/our-port/facts-and-figures.html>.

It is imperative for an independent investigation to identify the cumulative impacts of preconstruction activities on marine life prior to moving forward with reviewing and issuing further harassment authorizations, whether it be for marine site characterizations or construction, operation, and decommissioning phases of offshore wind projects. COA urges NMFS to reject the Applicants' take request.

## **II. Other Issues of Importance, including Lack of Fairness, Transparency, and Accountability**

The COA concerns discussed in the previous section are not exhaustive, as the MMPA recognizes, every marine mammal is important, and the effects of proposed activities on other species—including those that are also actively included in the recent unprecedented whale deaths and the Unusual Mortality Events, such as the North Atlantic right whale and humpback whale—should encourage NMFS to demand more baseline data and severely restrict the Applicants' authorized takes for the activities in question. COA consequently urges NMFS to reject the Applicants' IHA request.

Further, a serious issue of concern is a lack of accountability. Again, as referenced above,

*By 2030 the Northeast large marine ecosystem will be occupied by over 2.4 million acres of leases, 3,400 turbines, and 10,000 miles of submarine cables; and an additional 5.7 million acres is also under consideration for further development.*<sup>49</sup>

Never has an ecosystem been under such massive industrial development pressure and impact over a span of less than decade. Given this unimaginable and unprecedented scope and scale of industrial offshore wind development in the Northeast region, and off the New Jersey and New York coasts in particular, NMFS must provide clarity and due process *now* for the determination of accountability. At what point will there be too many accumulated Level A and Level B marine mammal harassments from offshore wind energy development or other activities? What are the guardrails to determine how many takes will be too many? How will NMFS distinguish between impacts, such as those from the wind industry as compared to those from other shipping traffic, especially as wind facilities are built-out and marine life and ships are concentrated into more narrow corridors? Who will be responsible and how will accountability be managed? How will the number of takes be lowered over time to address the additional, cumulative stress to marine life? Or will it be?

On another matter, how will population dynamics be measured as species populations decline from stress or injury from offshore wind development? Or food scarcity as migratory fish populations move or as fish structure changes? Or will the agencies simply place blame on “climate change” as a catch-all to lower populations of marine mammals? How many marine mammals can be harassed and injured before the populations, and associated ecosystems,

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<sup>49</sup> Andy Lipsky, NOAA Fisheries. “Fisheries, Wildlife, and Ecosystem Science in a New Era of Offshore Wind Energy Development.” NOAA Ecosystem Based Management and Ecosystem Based-Fisheries Management Seminar Series, March 9, 2022, <https://www.youtube.com/watch?v=Dh7yBEDHzL8>.

collapse, all for the current unfounded benefits of the new offshore wind energy industry? How many takes, for individual projects or requests or cumulatively, are too many? The current process by which takes are evaluated must include cumulative impacts to populations from all incidental take requests and authorizations. These questions and issues, among others, must be addressed at the outset to ensure transparency and accountability for the impacts to the living marine ecosystem from this wholesale, rapid industrial development of the ocean.

Further, numerous IHAs have already been issued, and ITRs and NOAs for construction are already in process for many offshore wind energy projects in the region and along the East Coast of the United States. It is essential that systems are in place to monitor the impacts from these activities in these areas. Impacts must be documented and fully investigated to inform forthcoming incidental take requests and authorizations. Monitoring reports are not enough. It is necessary for on-the-ground independent scientists and response teams to be in the areas included in incidental take authorization areas to monitor for impacts so immediate response or investigation can occur.

As an example, on December 5, 2022, an infant endangered Sperm Whale washed-up on the beach in Keansburg, NJ.<sup>50</sup> Thankfully, volunteers at the Marine Mammal Stranding Center were able to be on the scene. Given that massive, large-scale offshore wind project activities are already underway in this region, an organization charged with responding to an endangered marine mammal incident should be fully funded by the state and federal agencies to collect the animal, if possible, or be provided the means to conduct a thorough and immediate investigation, including a comprehensive necropsy, to determine that cause of death. The investigation should include what, if any, offshore wind energy related activities, or other offshore activities, were ongoing within the window of time the animal was potentially impacted. An immediate response and thorough investigation of such incidents is necessary to ensure accountability and the protection of marine mammal species.

Of further note, COA protests the double standard that has developed for the offshore wind industry when it comes to protecting marine mammals. COA acknowledges the importance of reducing other common harms to NARWs and other marine mammals, such as entanglements and vessel strikes, but these efforts to help the species will be of limited benefit if they coincide with an increased tolerance for other activities that torment and annoy these invaluable creatures. The noise, electromagnetic fields, and drilling associated with offshore wind development and the site characterization activities that precede them, as well as the construction, operation, and decommissioning activities, must be treated as the serious and amplifying threats to the NARW, and other marine mammals, that they are—no different than entanglements or vessel strikes. NMFS should seize the opportunity to set a strong precedent for protecting NARWs and all whales by denying the Applicants' take request.

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<sup>50</sup>Radel, Dan. "Infant 12-foot sperm whale washes up dead on Keansburg beach." Asbury Park Press, 12/5/2022. <https://www.app.com/story/news/local/animals/2022/12/05/keansburg-nj-infant-sperm-whale-washes-up-dead-beach/69703142007/>

### III. Conclusion

In sum, COA urges the NMFS to reject and deny the Applicants' harassment "take" request of **5,450 marine mammals** for marine site characterization activities for an offshore wind power plant and the associated export cables. It is clear the Applicants' activities would cause an unacceptable number of Level B harassments of extremely at-risk and endangered North Atlantic right whales, as well as an unacceptable amount of Level B take authorizations for other marine mammal species, including federally protected whales, dolphins, porpoises, and seals.

For the North Atlantic right whale, the activities in question are reasonably likely or expected to adversely affect this critically endangered species—both individuals and the stock as a whole—through effects on the species' annual rates of recruitment and survival; this impact cannot reasonably be merely minimal or negligible. It is imperative that NMFS engage in all means possible to avoid harassment to all the uniquely significant species protected by the MMPA, especially the NARW, and to protect ecosystems. Again, scientists maintain not one NARW can be lost due to its population fragility.

In addition, the cumulative impacts from all incidental take requests and authorizations for offshore wind projects in the same region and the East Coast must be considered when reviewing each application for "takes" of marine mammal species. The total takes for all species affected must be considered alongside takes that NMFS has authorized for other wind activities including for site characterization, assessment, and construction activities (and later, operation and decommissioning activities) that are simultaneously occurring in the region and in the migration areas for marine life.

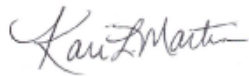
For the foregoing reasons, COA strongly urges NMFS to reject Invenergy Wind Offshore and energyRe's request for an Incidental Harassment Authorization.

Should you have any questions or would like to further discuss these concerns, please feel free to contact us.

Respectfully submitted,



Cindy Zipf  
Executive Director



Kari Martin  
Advocacy Campaign Manager



itp Clevestine - NOAA Service Account <itp.clevestine@noaa.gov>

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## Marine Site Characterization Surveys in New York Bight

1 message

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**Suzanne Conklin** <conklin.suzanne@yahoo.com>

Fri, Jun 9, 2023 at 10:01 AM

To: "ITP.clevestine@noaa.gov" <ITP.clevestine@noaa.gov>

These take authorizations, if granted, are in direct violation of the Marine Mammal Protection Act and further threaten numerous critically endangered marine mammals and other species.

Survey activity has NOT been demonstrated to produce NO HARM to ocean life and, in fact, numerous studies indicating the opposite have been documented for years by other government agencies on the effects of undersea noise.

My comment is NO to any TAKE AUTHORIZATIONS for any reason.

Thanks for your time and consideration,

Suzanne Conklin  
Registered Voter [NJ](#)  
[377 Glenn Rd](#)  
[Jackson, NJ 08527](#)





itp Clevestine - NOAA Service Account <itp.clevestine@noaa.gov>

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## Greatly oppose

1 message

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**Michele Czechowski** <micheleczechowski@hotmail.com>  
To: "ITP.clevestine@noaa.gov" <ITP.clevestine@noaa.gov>

Mon, Jun 5, 2023 at 11:52 AM

To Whom It May Concern,

I am writing to oppose the harassment of 5,450 marine mammals and to sacrifice/take/harass 16 different endangered and protected marine mammal species.

This is in reference to INVENERGY's request to allow this level B harassment.

Please do not allow this atrocity to pass.

Thank you,  
Michele Czechowski  
Point Pleasant NJ 08742



itp Clevestine - NOAA Service Account <itp.clevestine@noaa.gov>

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## Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Site Characterization Surveys in the New York Bight

1 message

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**Melinda Decker** <melinda.lbi4you@gmail.com>  
To: ITP.clevestine@noaa.gov

Fri, Jun 9, 2023 at 9:11 AM

Dear Jolie Harrison

My comment is submitted in response to the call for public comment regarding Marine Site Characterization Surveys in the New York Bight.

These Take Authorizations, if granted, are in direct violation of the Marine Mammal Protection Act and further threaten numerous critically endangered marine mammal (and other) species.

Survey activity has NOT been demonstrated to produce no harm to ocean life and in fact there are numerous studies indicating the opposite.

My comment is NO to any Take Authorizations for any reason going forward.

Sincerely,

M. Decker

New Jersey



itp Clevensline - NOAA Service Account <itp.clevensline@noaa.gov>

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## Stop killing the whales

1 message

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**KIM DEVITO** <x3psychomom@aol.com>  
To: ITP.clevensline@noaa.gov

Wed, Jun 7, 2023 at 10:14 AM

This should not be allowed. You already know you're killing marine life. The whales have been killed and this is going to be allowed to continue! Our marine life is more important than wind turbines that don't even contribute more than 10% to energy. Stop this now!

Sent from my iPhone



itp Clevestine - NOAA Service Account <itp.clevestine@noaa.gov>

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## Wind Turbine Protest

1 message

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**Rose Downs** <rosedowns@yahoo.com>  
To: "itp.clevestine@noaa.gov" <itp.clevestine@noaa.gov>  
Cc: Rose Downs <rosedowns@yahoo.com>

Wed, Jun 21, 2023 at 11:29 PM

I grew up in central New Jersey and have been blessed to own a house in Belmar, Monmouth County, NJ. Being close to the ocean provides so much therapy to those whose lives are sometimes feel overwhelmed and need a safe space to gaze to find peace.

Hearing of wind turbines aka ocean industrialization being installed without so much as a public notice was beyond disturbing. Learning all of the negative impacts, especially of the 5,450 marine mammals you are authorized and permitted to die in the name of obsolete technology literally blew my mind.

I adamantly oppose this project. It is imperative that every adult today promise to leave the planet in a better place for our children and grandchildren. Wind turbines are NOT clean or green. I have researched the details and will protest at every opportunity.

Please register my opposition:

Rosemarie Downs  
[109 19th Aven](#)  
[Belmar, NJ 07719.](#)

I would appreciate a reply that my vote of OPPOSITION has been recorded.



itp Clevestine - NOAA Service Account &lt;itp.clevestine@noaa.gov&gt;

## Comments for Invenergy Wind Offshore, Ilc Request

1 message

**Art Gager** <ahg3rd@gmail.com>

Tue, Jun 20, 2023 at 4:12 PM

To: "itp.clevestine@noaa.gov" &lt;itp.clevestine@noaa.gov&gt;

Jolie Harrison, Chief,  
Permits and Conservation Division,  
Office of Protected Resources, NMFS

I am submitting my comment on the Department of Commerce, National Oceanic and Atmospheric Administration [RTID 0648-XC970], from Invenergy Wind Offshore, LLC request for an IHA to take marine mammals incidental to conducting marine site characterization surveys in waters off of New Jersey and New York in the New York Bight, specifically within the BOEM Lease Area OCS-A 0542 and associated ECR Area.

I am absolutely opposed to authorization of this request. I have lived on the New Jersey Coast for over 65 years and there are five generations of my family that have enjoyed the beauty of our ocean, beaches and marine-life. I have never be confronted with a more hideous proposal than you offer.

Invenergy is requesting Level 'B' Harassment Takes of 125 Whales (20 are Endangered Species), 2,462 Dolphins, 950 Porpoises, and 1,900 Seals. That's a total of 5,437 'Incidental Deaths. And, there isn't even an estimate of the unaccounted for death and destruction you are allowing to the Atlantic Ocean's Marine Ecosystem.

Though you have already published and approved numerous requests for thousands of Takes of Marine Mammals, all of those approvals are in direct opposition to your own Mission Statements. The first word in the Department of the Interior's Mission is PROTECT – "Protect the Nation's Natural resources". BOEM's Mission Values include 'PROTECT THE ENVIRONMENT'. NOAA's Mission is to 'CONSERVE MARINE ECOSYSTEMS'. None of you are protecting or conserving. You are allowing the permanent destruction of defenseless Marine-life. To put it in maritime terms, 'You have lost your rudder'.

Wind Turbines are a PART-TIME solution to a permanent problem. They work 25% of the time at the mercy of the natural wind. There is often little or no wind when they will require fossil fuel energy production to maintain the grid. When winds are strong, they are either be shut down to prevent them from tearing themselves apart or they will generate an overcapacity of energy 'Dirty Electricity' that must be evacuated at a loss to avoid overloading existing transmission and distribution assets. Wind Turbines do not create a 'firm grid'.

During the operational period of these behemoths, The 165 foot deep concrete foundations are full of toxic chemicals that will leech into the sea for eternity. The turbine's vibrations, sonic signals, and ultra-sonic infra-sounds will all effect Marine Life. The rotating blades cause radar interference that effects marine navigation. The mitigation of our wind patterns will continue to cause stresses to the environment. There are numerous studies of the European wind farms that indicate the devastation they have caused to the commercial fishing industry and the changes they have made to migration patterns of marine species.

Wind Turbines are temporary. With an estimated useful life of 20-25 years, they will be decommissioned and removed which is an additional liability, not an asset. The Disassembly of Equipment states the scowls, if used, will remain in place once this is finished to protect the sea life that may have grown around it. The cables buried offshore and across Absecon Island and through our bays may or may not be removed. The 165 foot deep, 39 ft diameter base buried in the seabed will NEVER be removed.

Their plan does not consider the enormous amounts of shifting sands that take place along our coastline. Simple evidence is that the southern-most street in Longport, NJ is 11th Street. The Atlantic Ocean removed 1st through 10th Streets many years ago. Or, ask the U.S. Army Corps of Engineers how many billions of tons of sand they have had to replace all along the coast of New Jersey because it washes away every year. What will that do the the scowls and cables that are left behind? How will that continue to negatively effect our marine environment? Both are questions unanswered and unaddressed. We would better protect our same sea life by never constructing these wind farms.

Yet for the sake of creating a minimal amount of wind energy, you are asked to industrialize our oceans with wind turbines. You are willing to allow the incidental takes of over 5,400 mammals and untold numbers of other Marine life such

6/20/23, 4:54 PM

National Oceanic and Atmospheric Administration Mail - Comments for Invenergy Wind Offshore, llc Request

as lobsters, crabs, shrimp, and clams. You are not protecting them. You are permanently sacrificing them for something that is temporary. This is an abomination.

Do not authorize the request from Invenergy Wind Offshore, LLC.

Sincerely,  
Arthur Gager, 3rd  
Absecon, NJ 08201



itp Clevestine - NOAA Service Account <itp.clevestine@noaa.gov>

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## Wind Farm Concerns

1 message

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**Courtney H** <courtney.hanscom@gmail.com>

Tue, May 30, 2023 at 11:11 PM

To: ITP.clevestine@noaa.gov

I write as one of thousands of NJ residents who strongly opposes the offshore wind farm planned off of our coast. We have seen unprecedented numbers of cestacian deaths along our coastline in recent months. Stop the harassment of 5,450 marine mammals by "Level B" for the marine site characterization surveys for Invenergy, LLC's offshore wind power plant off the NY/NJ coast. Invenergy requested an incidental harassment authorization ("IHA") to "take" or "harass" 16 different endangered and protected marine mammal species.

Dr. Courtney Hanscom



itp Clevestine - NOAA Service Account <itp.clevenstine@noaa.gov>

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## Offshore wind project of NJ coast

1 message

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**Judy Harrison** <judyleeharrison@hotmail.com>

Sat, Jun 17, 2023 at 11:57 AM

To: "ITP.CLEVENSTINE@noaa.gov" <ITP.CLEVENSTINE@noaa.gov>

I strongly object to the Offshore Wind project of NJ Coast. I feel it will not be good for our beautiful coastline and the State of NJ.

Judy Harrison

Sent from my iPhone





itp Clevestine - NOAA Service Account <itp.clevestine@noaa.gov>

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## For JOLIE HARRISON Stop the Harassment of 5,450 marine mammals

1 message

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**Carolyn Kaschak** <ck102102@gmail.com>  
To: ITP.clevestine@noaa.gov

Mon, Jun 5, 2023 at 7:38 AM

I am writing to oppose the harassment of 5,450 marine mammals and to sacrifice/take/harass 16 different endangered and protected marine mammal species.

This is in reference to INVENERGY's request to allow this level B harassment.

I can't believe it is necessary to even write this.

It is illegal to harm or harass marine mammals. Why is it permissible for wind energy companies to do so? MONEY. Be consistent. It's not laws for thee and not for me! It's illegal. Period!!

All these animals want is to live. They bother no one. LEAVE THEM ALONE!!

Carolyn Kaschak  
Bay Head NJ



itp Clevestine - NOAA Service Account <itp.clevestine@noaa.gov>

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## Nj Offshore windmills

1 message

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**Brian Kimmins** <btkimmins@hotmail.com>

Tue, Jun 20, 2023 at 9:12 AM

To: "ITP.CLEVENSTINE@noaa.gov" <ITP.CLEVENSTINE@noaa.gov>

Cc: Bill Ruckert <william.ruckert@provident.bank>, Chip Inreach <chip@johnbwright.com>, Tom Trageser <tomtrageser@gmail.com>

I write to you regarding the proposed offshore windmill project off the New Jersey coast. It seems very concerning to me that NOAA, who has championed so many conservation minded causes in regards to fisheries management has not done more to slow down / oppose this project. From a non political point of view it would seem that the economics alone do not support a project like this having nothing to do with potential horrific environmental impact that this sort of construction project will have. While this project seems to reek of government agenda to satisfy green kilowatt hours, I would think out of all government agencies, NOAA would stand firmly against construction of this nature in such a sensitive habitat. I would ask NOAA to please be consistent with restrictions they place, for it seems that NOAA very easily puts restrictions on the recreational boater/fishermen (who's actions have very little environmental impact vs commercial fishermen and other marine industries) yet grants immense leeway for projects that would seem to do great harm to the environment based on the permits NOAA grants to these companies.

The optics of this for NOAA look very bad and certainly hurt NOAA fisheries credibility as a conservation minded agency.



itp Clevestine - NOAA Service Account <itp.clevestine@noaa.gov>

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## Jolie Harrison PROTECT MARINE LIFE

1 message

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**Teri tratrh** <tratrh@yahoo.com>  
To: ITP.clevestine@noaa.gov

Thu, May 25, 2023 at 2:24 PM

I am writing to beg that no further permits are approved for the takes of marine life from mapping for wind energy. There is something very wrong going on in our oceans with the many whale and dolphin deaths off the NJ/ NY COAST. These marine life need to be protected. It is environmentally hypocritical to sacrifice these mammals for wind energy.

TERI Kirckof  
133 Starboard Rd  
Brick Nj. 08723  
[Tratrh@yahoo.com](mailto:Tratrh@yahoo.com)

Sent from my iPhone



itp Clevestine - NOAA Service Account <itp.clevenstine@noaa.gov>

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## **Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Site Characterization Surveys in the New York Bight**

1 message

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**Michelle Leo** <pmacleo@verizon.net>  
Reply-To: Michelle Leo <pmacleo@verizon.net>  
To: "ITP.clevenstine@noaa.gov" <ITP.clevenstine@noaa.gov>

Tue, May 30, 2023 at 6:06 PM

**Good afternoon,**

Re:

Document Citation:  
88 FR 32735

Page:  
32735-32756 (22 pages)

Agency/Docket Number:  
RTID 0648-XC970

Document Number:  
2023-10850

**It is unfathomable to allow foreign offshore wind companies the ability to harass mammals in United States waters for the implementation of offshore wind.**

**I fully oppose the level A and level B authorized takes. As a stakeholder of this country, I do not support the harm or killing of our marine life.**

**There are now studies happening in Norway, partially funded by the United States to capture and test minke whales hearing. Why would we trust anything that comes from another country that stakeholders do not get an official vote on.**

**Leave our oceans and marine life alone.**

**Thank you**  
**Michelle Leo**



itp Clevensline - NOAA Service Account <itp.clevensline@noaa.gov>

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## Invenergy IHA request

1 message

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**Kari Jermansen** <kljermansen@yahoo.com>  
Reply-To: Kari Jermansen <kljermansen@yahoo.com>  
To: "ITP.clevensline@noaa.gov" <ITP.clevensline@noaa.gov>

Fri, May 26, 2023 at 10:33 AM

Dear NOAA,

Please deny this IHA request by Invenergy for their offshore wind energy project's preconstruction activities until a comprehensive and independent investigation is completed on the recent marine mammal deaths and until cumulative impacts of all the IHAs and LOAs for the taking of thousands of marine mammals are known and considered.

Sincerely,  
Kari Martin  
Oceanport, NJ

[Sent from Yahoo Mail on Android](#)



itp Clevensline - NOAA Service Account <itp.clevensline@noaa.gov>

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## Offshore Wind Mills

1 message

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**Steve Matthews** <SMatthews@cuny.biz>

Tue, Jun 20, 2023 at 7:12 AM

To: "ITP.CLEVENSTINE@noaa.gov" <ITP.CLEVENSTINE@noaa.gov>

Regarding the construction of Wind Mills off the coast of NJ, we are messing with our last frontier and it's not going to be good.

First n foremost, it's absolutely crazy that we would spend all this money on such an inefficient method of generating energy.

The cost of transmission of the electricity as well as all the detriments that salt water presents is nuts. Very cost prohibitive. If it wasn't for the government incentives costing us tax payers millions of dollars this would not be a conversation. Any good business man knows this is not a sustainable business model. Let alone what it's going to do with the environment and the small businesses that thrive on shoreline including the fishermen.

My two cents!

Steve Matthews

Steve Matthews

Sent from my iPhone



itp Clevensline - NOAA Service Account <itp.clevensline@noaa.gov>

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## Eco UNFRIENDLY

1 message

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**Katy Petri McHugh** <katyskitchen214@icloud.com>  
To: ITP.clevensline@noaa.gov

Fri, May 26, 2023 at 9:16 AM

PLEASE RETHINK YOUR TURBINE AND SO-CALLED SUSTAINABLE POLICIES. THERES NOTHING SUSTAINABLE ABOUT WIPING OUT SEA-LIFE 🙄

Sent from my iPhone



itp Clevestine - NOAA Service Account <itp.clevestine@noaa.gov>

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## Jolie Harrison

1 message

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**Lynn Mehl** <theecoflorist@gmail.com>  
To: ITP.clevestine@noaa.gov

Tue, Jun 20, 2023 at 5:18 PM

To, Jolie Harrison  
Chief, Permits and Conservation Division  
Office of Protected Resources NMFS

Dear Ms. Harrison,

My background is in Environmental Science and I advocate for the environment and all it's inhabitants. However, this wind project is the most detrimental idea I have ever seen. I have read the documents which are full of words and phrases like- anticipated, not likely impacted, minimal potential impact, total take is negligible, incidental takes, fewer than 1/3.

These are not words of guarantee for the wildlife or the environment when already we are nearing 100 sea creatures that have died in coincidence. Another word being circulated.

This project will absolutely ruin the entire Northeastern coast and all that inhabit it not to leave out the environmental waste with nowhere to recycle or dispose of it.

There are so many ways we could clean up the planet-small and large that we CAN do but get a blind eye to. This massive project is too soon, too expensive, and way too damaging for every living thing around it-including the humans.

I have always had such faith in our protections, promoted them and contributed; so please rethink this as I have lost all faith that the planet will ever be protected unless there is no money to be made on the endeavor because it is obvious the reason here.

Sincerely,  
Lynn Mehl

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itp Clevensline - NOAA Service Account <itp.clevensline@noaa.gov>

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**ocean wind project**

1 message

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**psneare@optimum.net** <psneare@optimum.net>  
To: ITP.CLEVENSTINE@noaa.gov

Sat, Jun 17, 2023 at 11:21 AM

After reviewing the facts and detrimental effects of wind turbines off the Jersey Coast, I wholeheartedly reject this project. It will not only have terrible and disastrous effects on wildlife but it will hurt our tourist economy for all residents. LISTEN to the experts and residents, alike. PLEASE. thank you, sandra neare



itp Clevensline - NOAA Service Account <itp.clevensline@noaa.gov>

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## comment submission: NY Bight IHA

1 message

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**Giltz, Sarah** <sgiltz@oceana.org>

Tue, Jun 20, 2023 at 12:19 PM

To: "ITP.clevensline@noaa.gov" <ITP.clevensline@noaa.gov>

Good morning,


I am submitting the attached comment letter on behalf of Oceana in regards to Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Site Characterization Surveys in the New York Bight.

**Sarah Giltz, Ph.D.** (she/her) | Marine Scientist

OCEANA | Protecting the World's Oceans

sgiltz@oceana.org | www.oceana.org

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 **Oceana comments\_Invenergy NY Bight IHA 6-21-2023.pdf**  
730K

June 21, 2023

*Submitted via electronic mail to [ITP.clevenstine@noaa.gov](mailto:ITP.clevenstine@noaa.gov).*

Jolie Harrison, Chief, Permits and Conservation Division  
Office of Protected Resources  
National Marine Fisheries Service

**Re:**

**Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Site Characterization Surveys in the New York Bight (87 Fed. Reg. 32,735, May 22, 2023)**

Dear Jolie Harrison:

Oceana is the largest international conservation organization solely focused on protecting the world's oceans, with more than 1.2 million members and supporters in the United States, including over 340,000 members and supporters on the U.S. Atlantic seaboard. For twenty years, Oceana has campaigned to win strategic, directed campaigns that achieve measurable outcomes to help make our oceans more biodiverse and abundant.

Addressing climate change is important for oceans, wildlife, and our future. By shifting from fossil fuel energy to clean, renewable energy sources, the United States can help address this crisis. Oceana was pleased to see the Biden Administration's goal to deploy 30 GW of offshore wind power by 2030 while protecting biodiversity and cultural resources, including imperiled marine life such as the critically endangered North Atlantic right whale (NARW).

Oceana has engaged as a stakeholder in the management of U.S. fisheries and interactions with endangered species, with a particular interest in effective bycatch minimization and reduction, if not elimination, of fishing gear entanglement-related death, injury, and harm to protected species, including the NARW. In addition, Oceana is interested in seeing the reduction, if not elimination, of vessel strike-related death, injury, and harm to NARWs. For these reasons, in 2019, Oceana launched a binational campaign in the United States and Canada to urge the respective governments to effectively enforce environmental laws to protect this critically endangered species and Oceana is currently campaigning to protect these whales from their two biggest threats—entanglement in fishing gear and vessel strikes.

For almost 15 years, Oceana has been campaigning to oppose expanded offshore oil and gas exploration and development. Offshore drilling causes dangerous oil spills and perpetuates energy development based on fossil fuels. The United States must shift from fossil fuel-based energy

sources to clean energy. Offshore wind development has the potential to help bridge the transition to our clean energy future.

Oceana is supportive of offshore wind energy if it is responsibly sited, built, and operated throughout its lifespan. The proposals for offshore wind development in areas that the critically endangered NARW may frequent need to consider, avoid, and mitigate effects to protected species, particularly the NARW, to ensure that wind development will not come at the expense of the species. NARWs spend much of the year in the waters of New England and Eastern Canada with mothers migrating south to have calves in the U.S. Southeast region. Wind development in persistent aggregation habitats and calving grounds pose particular concern but the areas where NARWs migrate are likely more appropriate for offshore wind farms because of the reduced frequency, intensity, and duration of NARW interactions within these areas. As offshore wind is developed along the eastern seaboard, strong measures are needed to protect this critically endangered species.

Oceana thanks you for the opportunity to submit comments as your agency considers an application for an Incidental Harassment Authorization (IHA) to support the site characterization of offshore wind projects in the New York Bight. To comply with the Marine Mammal Protection Act (MMPA), the Fisheries Service must reconsider its approach to renewing IHAs, including this one, with a shortened comment period. If the Fisheries Service chooses to renew this IHA, it must provide a full 30-day comment period for a renewal notice to ensure adequate public engagement.

This comment letter includes the following key points:

- The Fisheries Service must open a 30-day comment period to reauthorize the IHA.
- The IHA must include use of best available science, cumulative impacts analysis, and project conditions that avoid, minimize, and mitigate adverse environmental impacts.
- The IHA must include a vessel traffic plan to minimize the effects of service vessels on marine wildlife.
- The IHA must include requirements to use effective reactive restrictions that are triggered by detection of protected species before or during site characterization activities.

Oceana submits these comments to help ensure that the proposed activities avoid adverse effects on marine mammals. If adverse effects cannot be avoided, then they should be minimized or mitigated. The Fisheries Service is the steward of the remaining NARWs that swim along our coasts and, as the agency responsible for their recovery, should ensure that the authorization of site characterization is based on the best scientific information available and that strong protections are in place before approving this or any proposed activity that may take, harass, or cause stress to NARWs.

## **1) The role of Incidental Harassment Authorizations**

The MMPA was adopted fifty years ago with the goal of protecting and promoting the growth of marine mammal populations “to the greatest extent feasible commensurate with sound policies of

resource management” in order to “maintain the health and stability of the marine ecosystem.”<sup>1</sup> To protect marine mammals from human activities, the MMPA prohibits the “take” of marine mammals including activities that harass, hunt, capture, or kill, or any attempt to harass, hunt, capture, or kill any marine mammal.<sup>2</sup> In limited circumstances, the Fisheries Service, the agency responsible for protecting most marine mammal species,<sup>3</sup> may grant exceptions to the take prohibition, such as for the incidental, but not intentional, taking of marine mammals for certain activities, which is done via incidental take authorizations.<sup>4</sup>

The Fisheries Service can only grant an incidental take authorization if the take request is for “small numbers of marine mammals of a species or stock” and will have only “negligible impact.”<sup>5</sup> It is important to note that when granting an incidental take authorization, the Fisheries Service must require mitigation measures that achieve “the least practicable impact on such [marine mammal] species or stock and its habitat.”<sup>6</sup>

Under the Fisheries Service’s regulations, there are two types of incidental take authorizations: IHAs and Letters of Authorization (LOA). LOAs can only be issued after the Fisheries Service promulgates incidental take regulations for the activity. An IHA is limited to one year, and the action authorized may only have the potential to result in harassment.<sup>7</sup> For actions that could result in any “serious injury”<sup>8</sup> or mortality of a marine mammal, the Fisheries Service’s regulations indicate that incidental take regulations must be promulgated after notice and the opportunity to comment.<sup>9</sup> LOAs can be issued pursuant to incidental take regulations for up to five years.<sup>10</sup>

## **2) The Fisheries Service Must Open a 30-Day Comment Period to Reauthorize the IHA**

The Fisheries Service must end its approach of renewing IHAs while only giving the public 15 days to comment. The expedited process that the Fisheries Service included in the IHA is a violation of the MMPA, which requires a 30-day public comment period for all IHAs, including reauthorizations. The Fisheries Service should not be adopting processes that are inconsistent with its statutory obligations. The IHA renewal process runs contrary to the text and legislative history of the MMPA and finds no support in MMPA regulations.

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<sup>1</sup> 16 U.S.C. § 1361(6).

<sup>2</sup> 16 U.S.C. §§ 1361(2), 1371.

<sup>3</sup> The Fish and Wildlife Service, within the Department of the Interior, is responsible for dugongs, manatees, polar bears, sea otters and walruses. See U.S. Fish and Wildlife Service, *Marine Mammals*, <https://www.fws.gov/international/animals/marine-mammals.html> (last visited May 3, 2021).

<sup>4</sup> 16 U.S.C. § 1371(a); *Incidental Take Authorizations under the Marine Mammal Protection Act*, NOAA FISHERIES <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act> (last visited May 3, 2021) (listing renewable energy activities as activities for which incidental take authorizations have been issued).

<sup>5</sup> 16 U.S.C. § 1371(a)(5)(A), (D).

<sup>6</sup> 16 U.S.C. § 1371(a)(5)(D)(ii)(I) (for IHAs); 16 U.S.C. § 1371(a)(5)(A)(i)(II)(a) (for LOAs).

<sup>7</sup> 16 U.S.C. § 1371(a)(5)(D)(ii)(I).

<sup>8</sup> The Fisheries Service defines the term “serious injury” as “any injury that will likely result in mortality. 50 C.F.R. § 216.3.

<sup>9</sup> 50 C.F.R. § 216.105(b).

<sup>10</sup> 50 C.F.R. § 216.106(a).

In the event of a need for IHA renewal, the agency must issue a Federal Register notice and open a 30-day public comment period. Otherwise, the IHA will be procedurally deficient, making it vulnerable to litigation and creating uncertainty for the project proponents.

**a) *The expedited renewal process violates the plain language of the MMPA***

The Fisheries Service's failure to give the public 30 days to comment on the reauthorization of the IHA is a violation of the MMPA's plain language. The MMPA clearly states that the Fisheries Service must provide a 30-day public comment period for every IHA, and the agency has failed to provide an adequate explanation of why the 30 days are not required for renewals.

Section 101(a)(5)(D)(i) of the MMPA states that an IHA may be granted "for periods of not more than 1 year."<sup>11</sup> When the Fisheries Service receives an application, it must publish a proposed IHA in the Federal Register "not later than 45 days" after receiving the application and must provide a 30-day public comment period.<sup>12</sup> The Fisheries Service must then approve the IHA "not later than 45 days" after the end of the public comment period if the IHA meets the MMPA's standards.<sup>13</sup> Therefore, the agency may publish a proposed IHA in the Federal Register and make a final decision faster than the 45-day windows, but the 30-day public comment period cannot be shortened. In other words, a decision on an IHA must be made no later than 120 days of receiving an application but can be made in less time so long as there is a 30-day public comment period.

The agency asserts that if it includes an opportunity to comment on a renewal at the time of the proposed IHA, the original comment period will count towards the 30-day requirement.<sup>14</sup> The text of the MMPA, however, does not explicitly or implicitly recognize an expedited renewal process with a 15-day comment period for IHAs even if the agency determines the activities are nearly identical.

The agency's explanation ignores the timeframe set out in the MMPA. The 30-day comment period must be opened after receiving the application for the IHA. Regardless of how the agency attempts to frame it, the expedited process is a violation of the MMPA. The Fisheries Service cannot segment the original IHA from the renewal for the purpose of keeping IHAs below the one-year limit but also have them count as the same IHA for purposes of the 30-day comment requirement. The only interpretation that comports with the language of the MMPA is for the Fisheries Service to require applicants to submit a new application and open a new 30-day public comment period.

**b) *The expedited renewal provision is inconsistent with the legislative history of the MMPA***

The legislative history of Section 101(a)(5)(D) similarly provides no support for the Fisheries Service's position. In fact, it provides evidence that the agency's interpretation is a violation of the MMPA. The MMPA's IHA provision was added as part of the statute's 1994 amendments, with

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<sup>11</sup> 16 U.S.C. § 1371(a)(5)(D)(i).

<sup>12</sup> 16 U.S.C. § 1371(a)(5)(D)(iii).

<sup>13</sup> *Id.*

<sup>14</sup> Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Site Characterization Surveys, 85 Fed. Reg. 63,508 (Oct. 8, 2020).

the stated purpose of addressing procedural problems with harassment authorizations.<sup>15</sup> The Committee on Merchant Marine and Fisheries, which added the section to the bill, included the following statement in its report:

New subparagraph (D)(iii) establishes specific time limits for public notice and comment on any requests for authorization which would be granted under this paragraph. The Committee notes that, in some instances, a request will be made for an authorization identical to one issued in the previous year. In such circumstances, the Committee expects the Secretary to act expeditiously in complying with the notice and comment requirements. There is no need, in such a case, for the Secretary to use the full 120 days allowed.<sup>16</sup>

This statement corroborates the plain reading of the MMPA. The statement shows that the specific timing Congress set out for authorizations includes any reauthorizations. While there is room for the Fisheries Service to expedite the 45-day periods before and after the comment period, the legislative history makes clear that it must comply with the 30-day notice and comment requirement. This is consistent with Congress using the phrase “not later than 45 days” for these decision-making periods but not using similar language for the 30-day period. The Fisheries Service must therefore continue to offer a 30-day public comment period even for re-authorizations like the one at issue here.

**c) *The expedited renewal provision is not supported by MMPA regulations***

The Fisheries Service has previously cited to 50 C.F.R. § 216.107(e) as its authority for renewing IHAs with a truncated comment period, but that provision does not authorize the agency to avoid the 30-day public comment period and does not apply outside of Arctic waters. 50 C.F.R. § 216.107(e) states that IHAs in Arctic waters may be renewed for additional year-long periods,<sup>17</sup> but the provision makes no mention of avoiding the 30-day comment period. Even if that regulation were interpreted to eliminate the 30-day comment period for renewals, it would also be a violation of the MMPA for the reasons outlined above. When adopting a process to issue IHAs, the agency must look to the text of the statute. The agency cannot rely on previous regulations to support its current unlawful interpretation.

For these reasons, it is clear that the agency's interpretation of the MMPA finds no support in the text, legislative history, or implementing regulations of the statute. To cure this deficiency, the Fisheries Service must reissue the Federal Register notice and give the public a full opportunity to comment.

**3) Comments on the Contents of an IHA for Site Characterization**

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<sup>15</sup> Marine Mammal Protection Act Amendments of 1994, P.L. 103-238, § 4, 108 Stat. 532 (1994); H.R. Rep. No. 103-439 (1994).

<sup>16</sup> H.R. Rep. No. 103-439 (1994).

<sup>17</sup> 50 C.F.R. § 216.107(e).

In order to issue an IHA for site characterization or any offshore wind project, the Fisheries Service must ensure that the application meets the requirements for an IHA and that the IHA includes conditions that will guarantee the site characterization surveys have the least practicable impact on marine mammal species or stocks and their habitats in and around the project site. Oceana hopes the comments provided on these important elements will make the site characterization successful while also considering the adverse effects on marine mammals.

**a) Use Best Available Science**

The MMPA was the first congressional act to include a “best available science” mandate.<sup>18</sup> The statute requires use of “best scientific evidence available” in determining any waiver of the moratorium on the taking and importation of marine mammals and marine mammal products.<sup>19</sup> Additionally, MMPA implementing regulations require the agency to use the “best scientific information available.”<sup>20</sup> The Fisheries Service must therefore comply with the “best available science” mandate in analyzing whether or not to authorize incidental takes.

The NARW is a critically endangered species that has experienced a large decline in the last decade. The most recent population estimate is just 340 remaining whales.<sup>21</sup> This 2021 population estimate is a 2.3 percent decrease from the previous year’s estimate, representing a continued decline for the species. As NOAA considers the IHA application, it must use the most recent population estimate.

NARWs are known to feed, socialize and breed in the U.S. northeast and eastern Canada before mothers migrate south to calve and then return to the Northeast. As the Federal Register notes, NARWs use the proposed survey area as part of a migratory corridor Biologically Important Area (BIA) for NARWs. However, in the last decade the seasonal habitat usage of NARWs has shifted to include new waters and different seasonality. The IHA application and analysis must be sure to use the most recent and best available science for this critically endangered species, including recent habitat usage patterns for the study area and up to date seasonality information that may differ from the March-April and November-December migration periods cited in the notice. The Fisheries Service should fully consider both the use of the area and the effects of chronic stressors on the health and fitness of NARWs.

Chronic stressors are an emerging concern for NARW conservation and recovery, and research suggests that a range of stressors on NARWs have stunted growth rates.<sup>22</sup> Disruptive site characterization activities may not only startle NARWs in this area, but also cause chronic stress

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<sup>18</sup> 16 U.S.C. §§ 1361 et seq. (mandating the use of “best scientific evidence” as well as the “best scientific information available” in several provisions, including the moratorium provision at 16 U.S.C. § 1371).

<sup>19</sup> 16 U.S.C. § 1371(a)(3)(A).

<sup>20</sup> 16 U.S.C. § 1371(a)(3)(A); 50 C.F.R. § 216.105(c) (“[R]egulations will be established based on the best available information.”).

<sup>21</sup>New England Aquarium. 2022. North Atlantic right whales’ downward trend continues as updated population numbers released, <https://www.neaq.org/about-us/news-media/press-kit/press-releases/north-atlantic-right-whales-downward-trend-continues-as-updated-population-numbers-released/>

<sup>22</sup> Stewart, et al. 2021. Decreasing body lengths in North Atlantic right whales. *Current Biology* 2021, 31, 1-6.



to the whales. The whales may seek other feeding areas at great energetic cost, decreasing their fitness, body condition and ability to successfully feed, socialize and mate.

The IHA renewal must be sure to use the most recent and best available science for this critically endangered species, including updated population estimates, recent habitat usage patterns for the study area, and a revised discussion of acute and cumulative stress on whales in the region.

**b) Fully Consider Cumulative Effects**

While an individual activity such as a site characterization may have negligible effects on the marine environment or a negligible number of interactions with protected species, many offshore wind-related activities are being considered in the region. It is important that the Fisheries Service fully consider the discrete effects of each activity and the cumulative effects of the suite of approved, proposed, and potential activities on marine mammals including NARWs and ensure that the cumulative effects are not excessive before issuing or renewing an IHA.

**c) Project Conditions**

Consistent with the requirement to achieve “the least practicable impact on such species or stock and its habitat,” the IHA must include conditions for the survey activities that will first avoid adverse effects on NARWs in and around the survey site and then minimize and mitigate the effects that cannot be avoided. This should include a full assessment of which activities, technologies and strategies are truly necessary to achieve site characterization to inform development of the offshore wind projects and which are not critical. If, for example, a lower impact technique or technology will provide necessary information about the site without adverse effects, that should be permitted while other tools with more frequent, intense, or long-lasting effects should be prohibited.

**4) Vessel traffic associated with Wind Energy Area**

Site characterization activities will increase the vessel traffic in and around the project area. The IHA must include a vessel traffic plan to minimize the effects of service vessels on marine wildlife including requirements for all vessels associated with the project, regardless of function, ownership, or operator to meet the following:

**a) Observers**

All vessels associated with the proposed site characterization should be required to carry and use protected species observers (PSOs) at all times when under way. Because visual sighting of whales, including NARWs is difficult, particularly in low light conditions, the IHA should require service vessels to complement observer coverage with additional monitoring technologies, such as infrared (IR) detection devices for whales and other protected species. Research suggests that a complementary approach combining human and technological tools is most effective for marine mammal detection.<sup>23</sup>

**b) Speed**

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<sup>23</sup> Smith, et al. 2020. A field comparison of marine mammal detections via visual, acoustic, and infrared (IR) imaging methods offshore Atlantic Canada. Marine Pollution Bulletin. 154 (2020) 111026.

Research suggests that reducing vessel speed can reduce risk of vessel collision mortality by 80-90 percent for large whales like the NARW.<sup>24</sup> Due to the risk of ship strikes to NARWs in the project area, the IHA should limit all vessels of all sizes associated with the proposed site characterization to speeds less than 10 knots at all times with no exceptions.

***c) Separation Distance***

Consistent with Fisheries Service regulations under the Endangered Species Act for all vessels and aircrafts, the IHA must include requirements for all vessels to maintain a separation distance of at least 500 meters from NARWs at all times.

***d) Vessel Transparency***

To support oversight and enforcement of the conditions on the high-resolution geophysical (HRG) survey, the IHA should require all vessels to be equipped with and using a Class A Automatic Identification System (AIS) device at all times while on the water. This should apply to all vessels, regardless of size, associated with the project. Class A AIS is a cost-effective technology used in marine industries around the world. AIS provides information including the vessel's identity, location, course, and speed in a format that is compatible with most data collection, storage, and analysis programs.

***e) Applicability and Liability***

The IHA must require all vessels associated with the project, at all phases of development, follow the vessel plan and rules regardless of ownership, operator, contract. Exceptions and exemptions will create enforcement uncertainty and incentives to evade regulations through reclassification and redesignation. The Fisheries Service can simplify this by requiring all vessels to abide by the same requirements, regardless of size, ownership, function, contract, or other specifics. The IHA must also specify that developers are explicitly liable for behavior of all employees, contractors, subcontractors, consultants, and associated vessels and machinery.

***f) Transparency and Reporting***

The project will be a private enterprise conducted on shared public waters and as such, the IHA must include a requirement for all phases of the site characterization to subscribe to the highest level of transparency, including frequent reporting to federal agencies, requirements to report all visual and acoustic detections of NARWs and any dead, injured, or entangled marine mammals to the Fisheries Service or the Coast Guard as soon as possible and no later than the end of the PSO shift.

To foster stakeholder relationships and allow public engagement and oversight of the permitting, the IHA should require all reports and data to be accessible on a publicly available website.

**5) Shutdown Requirements**

Despite the best information informing seasonal restriction on site characterization activities, it is likely interactions with NARWs will occur in and around the project site. The IHA must include requirements to use effective reactive restrictions that are triggered by detection of protected

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<sup>24</sup> Conn and Silber. 2013. Vessel speed restrictions reduce risk of collision-related mortality for North Atlantic right whales. *Ecosphere* (4)4. April, 2013. 1-16.

species by visual, acoustic, or other means before or during site characterization activities. Key conditions should include:

- Creation of clearance zones for NARWs that extend at least 1,000 meters with requirements for HRG survey vessels to use PSOs and Passive Acoustic Monitoring (PAM) to establish and monitor these zones with requirements to cease surveys if a NARW enters the clearance zone.
- A shutdown requirement if a NARW or other protected species is detected in the clearance zones noted above, unless necessary for human safety. If this exemption occurs the project must immediately notify the Fisheries Service with reasons and explanation for exemption and a summary of the frequency of these exceptions must be publicly available to ensure that these are the exception rather than the norm for the project.
- When safe to resume, HRG surveys should be required to use a soft start, ramp-up procedure to encourage any nearby marine life to leave the area.

## 6) Conclusion

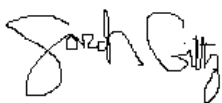
Oceana is supportive of the Biden Administration's focus on development of offshore wind in U.S. waters as part of an effective and responsible response to the climate crisis. As the Administration advances offshore wind development projects, there is an opportunity to advance clean energy goals while protecting biodiversity.

Oceana recognizes the necessity of site characterization in the wind development process and urges the Fisheries Service to only issue an IHA for this survey if it includes a thorough discussion of the best available science discussed above and includes the range of conditions that will ensure the site characterization surveys are conducted responsibly with the least practicable impact on marine mammals.

Oceana looks forward to our ongoing engagement in these projects and offshore wind more generally and appreciates the opportunity to provide these comments. These comments have been carefully developed and we consider these to be substantial comments deserving a response from the agency.

We look forward to working with you to advance responsibly developed offshore wind to meet this Administration's ambitious clean energy goals while protecting biodiversity, including the critically endangered North Atlantic right whale.

Thank you,



Sarah Giltz, Ph.D.

Oceana's Comments on IHA- Invenergy NY Bight

June 21, 2023

Page 10 of 10

Marine Scientist  
Oceana  
Washington, DC



itp Clevensine - NOAA Service Account <itp.clevensine@noaa.gov>

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## Invenergy Offshore Wind Public Comment Due June 21, 2021

1 message

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**Elizabeth Quattrochi** <eequat@gmail.com>  
To: ITP.clevensine@noaa.gov  
Cc: Elizabeth Quattrochi <eequat@gmail.com>

Tue, Jun 20, 2023 at 2:00 PM

Submitted by  
Elizabeth Quattrochi  
[eequat@gmail.com](mailto:eequat@gmail.com)  
860.899.8127

Thank you and please let me know if you have any questions.

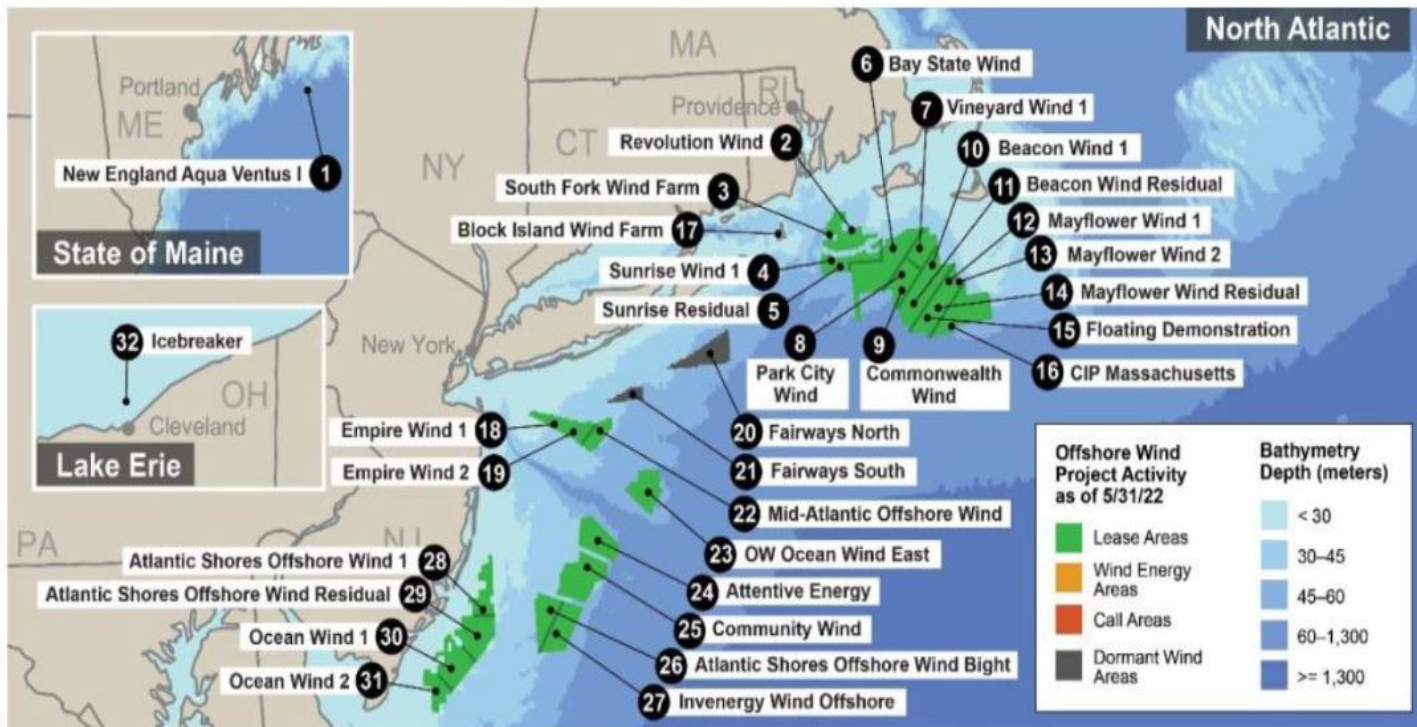
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569K

## INVENERGY TAKE AUTHORIZATIONS -DUE JUNE 21

[Incidental Take Authorization: Invenergy Wind Offshore, LLC's site characterization surveys off New Jersey and New York | NOAA Fisheries](#)

I oppose more takes for Invenergy Wind. The magnitude of risk is unacceptable, approvals are being granted from Maine to the Carolinas, across the North Atlantic Coastline without sufficient appreciation of risk. The most advanced, intelligent life in the ocean, our marine mammals, will not survive the invasion of their ocean home. The US Marine Mammal Protection Act forbids intentional killing of marine mammals but the Wind companies are being granted an exemption by a federal agency, thus it is barely legal.



This looks like a habitat invasion, or a bomb run, along the migration route of the critically endangered North Atlantic Right Whale. Invenergy is # 27 on the map.

When the number of “takes” is looked at cumulatively across lease areas, it reveals a remarkably callous conservation approach to recovery of whale populations in decline.

## HISTORY

### NARW (North Atlantic Right Whale)

- Pre-whaling population= tens of thousands<sup>1</sup>
- Population < 340

### Humpback Whale

- Pre-whaling population=240,000<sup>2</sup>
- Population < 1,400

### Fin Whale

- Pre-whaling population= 360,000
- Population < 7,000

### Minke Whale

- Pre-whaling population= 265,000
- Population < 22,000

“The vast majority of non-calf female NARW mortality is anthropogenic”

“Had NARW increased at the annual rate at which they are capable, the species' numbers would be almost double what they are now, and their current emergency would not be so dire.”

<https://royalsocietypublishing.org/doi/10.1098/rsos.180892>

Wind turbines are neither clean nor green. It's a new pollutant - acoustic sound. Whales use sound to navigate, find food and communicate. The humpback whale can hear its songs over hundreds of miles and mothers "whisper" to their calves to keep them nearby safe.

Each stage of Wind development deforms the sounds of the ocean - from geological surveys, to the construction booms, to the engine noise of boat traffic and finally to the perpetual swish of pressure waves produced during the turbine's operating life.

95% of the humpback whale population was killed by whaling. This endangered species cannot be sacrificed for an intermittent electric energy source. All deaths from human interaction, whether by boat strike, entanglement, plastic or acoustic trauma, are attributed to mankind. Counting them independently is a shell game to make the numbers look smaller. NOAA's "Synthesis of Science" memorandum on offshore wind interactions is littered with the need for more research, but study "time is limited," a warning that speaks above all else to the unpredictable and irreversible harm ahead.

The North Atlantic Right Whale (NARW) is even more threatened than the humpback, with only 70 females. NARW will be the first great whale in modern history to go extinct as a consequence of the USA government's environmental failures to protect them. A pittance of funds is available to assist with protecting them using new technology; why not satellites to track their location instead of using primitive sightings and acoustic buoys? Much more can be done to improve "dynamic management based on the whales' location" and make the ocean safer for them, but it is not being timely done.

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<sup>1</sup> <https://www.ifaw.org/journal/north-atlantic-right-whale-population-estimate-falls-short?>

<sup>2</sup> <https://www.montana.edu/kalinowski/teaching/documents-and-images/14%20CONGEN%20-%20READING%20-%20Whales%20before%20whaling%20-%20Science.pdf>

# CUMULATIVE EFFECTS ACROSS LEASE AREAS

COMMENTING ENDS June 21,2023

INVENERGY WIND OFFSHORE  
OCS-A 0542  
1-YR REQUEST 05/22/2023

MARINE MAMMAL SPECIES	TOTAL STOCK SIZE OF SPECIES	INCIDENTAL TAKES BY HARASSMENT LEVEL A&B	MAX % OF TOTAL STOCK
<b>WHALES – Mysticetes (Baleen)</b>			
Fin Whale, Endangered	6,802	7	0.10%
North Atlantic Right Whale, Endangered	338	6	1.78%
Sei Whale, Endangered	6,292	7	0.11%
Blue Whale, Endangered	412	0	0.00%
Sperm Whale, Endangered	4,349	0	0.00%
<b>TOTAL Endangered Whales</b>	<b>18,193</b>	<b>0</b>	<b>0.00%</b>
<b>OTHER WHALES</b>			
Humpback Whale	1,396	13	0.93%
Minke Whale	21,968	92	0.42%
Dwarf Sperm Whale	4,548		0.00%
Pygmy Sperm Whale	7,750		0.00%
Cuvier's Beaked Whale	Unknown		0.00%
Bainville's Beaked Whale	5,500		0.00%
Gervais' Beaked Whale	Unknown		0.00%
Sowerby's Beaked Whale	Unknown		0.00%
True's Beaked Whale	Unknown		0.00%
Northern Bottlenose Whale	Unknown		0.00%
Mesoplodont Whale	Unknown		0.00%
<b>TOTAL WHALES</b>	<b>77,548</b>	<b>105</b>	<b>0.14%</b>
<b>DOLPHINS – Odontocetes</b>			
Atlantic Spotted Dolphin	39,921	42	0.11%
Atlantic White-Sided Dolphin	93,233	101	0.11%
Bottlenose, Offshore Dolphin	62,851	611	0.97%
Bottlenose, Coastal Dolphin	6,639	795	11.97%
Bottlenose, Offshore & Coastal Dolphin	69,490	0	0.00%
Clymene Dolphin	4,237	0	0.00%
Short-Beaked Common Dolphin	172,974	888	0.51%
Pygmy Killer Whale	Unknown	0	0.00%
Killer Whale	Unknown	0	0.00%
False Killer Whale	1,791	0	0.00%
Fraser's Dolphin	Unknown	0	0.00%
Melon-Headed or Little Killer Whale	Unknown	0	0.00%
Pantropical Spotted Dolphin	6,593	0	0.00%
Long-finned Pilot Whales	39,215	15	0.04%
Short-finned Pilot Whales	1,981	0	0.00%
Risso's Dolphin	35,215	10	0.03%
Rough-Toothed Dolphin	4,853	0	0.00%
Striped Dolphin	67,036	0	0.00%
White Beaked Dolphin	536,016	0	0.00%
<b>TOTAL DOLPHINS</b>	<b>1,142,045</b>	<b>2,462</b>	<b>0.22%</b>
<b>PORPOISES</b>			
Harbor Porpoise	95,543	950	0.99%
<b>SEALS – Pinnipeds</b>			
Gray Seal	27,300	950	3.48%
Harbor Seal	61,336	950	1.55%
Harp Seal	Unknown	0	0.00%
Hooded Seal	593,500	0	0.00%
<b>TOTAL SEALS</b>	<b>682,136</b>	<b>1,900</b>	<b>0.28%</b>
<b>TOTAL COUNT OF ALL SPECIES</b>	<b>1,997,272</b>	<b>5,417</b>	<b>0.27%</b>
<b>TOTAL ENDANGERED SPECIES</b>	<b>18,193</b>	<b>20</b>	<b>0.11%</b>

PRINTED : 06/17/2023, 13:54

Take numbers are NOT SMALL when totals are looked at regionally for Offshore Wind projects along the Atlantic Coast. These numbers are also not small when you look at population history, and ongoing decline caused primarily by human activities.

-----CUMULATIVE PERCENTS SHOWN-----

The 674 takes for the critically endangered **NARW** exceed its population of 338, at **199%**.

The 1,944 takes for the **Humpback** is **138%** of 1,398 stock population.

The 2,410 takes for the endangered **Fin Whale** is **35%** of 6,802 population.

The 4,658 takes for the **Minke** is estimated at **21%** of 21,968 population.

**TOTAL "INCIDENTAL TAKES"  
FROM HARASSMENT BY  
24 OCS-A LEASES  
as of June 8, 2023**

MARINE MAMMAL SPECIES	TOTAL STOCK SIZE OF SPECIES	TOTAL OF ALL INCIDENTAL TAKES	TOTAL % OF STOCK SIZE
<b>WHALES – Mysticetes (Baleen)</b>			
Fin Whale, Endangered	6,802	2,410	35%
Humpback Whale	1,396	1,922	138%
Minke Whale	21,968	4,658	21%
North Atlantic Right Whale, Endangered	338	674	199%
Sei Whale, Endangered	6,292	329	5%
Blue Whales, Endangered	412	28	7%
<b>OTHER WHALES</b>			
Sperm Whale, Endangered	4,349	421	10%



## Application for Authorization for Invenergy -> [Proposal Template - Wind \(noaa.gov\)](#)

The location to be surveyed is teeming with all types of marine life. Section 4 in the application includes meticulous map diagrams of marine mammals, including:

“Five whale species of the 28 species protected under MMPA are listed as endangered under the Endangered Species Act (ESA) and are known to be present, at least seasonally, in the Lease Area OCS-A 0542 (Table 3-1). These include:

- Fin whale (*Balaenoptera physalus*);
- Sei whale (*Balaenoptera borealis*);
- Blue whale (*Balaenoptera musculus*);
- North Atlantic right whale (*Eubalaena glacialis*); and
- Sperm whale (*Physeter macrocephalus*)”

The type of Incidental Take requested is for sound exposures of marine mammals resulting from proposed HRG surveys (Section 6). The guidelines for surveying are based on limited understanding of whale hearing and presume best case scenarios. Mitigation procedures (Section 11) depend on human training, observation and intervention. Thus, they are apt to fail.

- There is currently no data available on noise-induced hearing loss for mysticetes (baleen whales like the humpback). <https://www.federalregister.gov/d/2023-11814/p-171>
- There is currently no data for cetaceans on “PTS” or permanent loss of hearing due tissue damage. <https://www.federalregister.gov/d/2023-11814/p-168>
- **Not one baleen whale species has ever been given an audiogram** The first study on a baleen whale (the minke whale) is underway, “**First-ever Hearing Tests to Inform Ways of Better Protecting Baleen Whales**” <https://www.nmfm.org/scientists-embark-on-second-phase-of-minke-whale-hearing-research-off-the-coast-of-norway/>

One piece of survey equipment, **The Multi Beam Scanner**, is infamous for its suspected role in the death of 100 melon headed whales in 2008. Even now we do not fully understand its effect on whales. The most important line in the Madagascar study sums it up, mortality caused by behavior triggers **“are inherently difficult to prove.”**

**The Madagascar study hypothesis (2013 on 2008 stranding of 100 melon headed whales)** This Madagascar study theorized the use of a multi-beam scanner triggered a behavioral response causing the whales to flee out of their habitat into a lagoon where death was caused by secondary factors. **“However, the nature of this type of event, where a behavioral response may serve as the initial trigger for animals being in an out of habitat scenario in which mortality is caused by secondary factors, is inherently difficult to ever “prove.”**

[https://iwc.int/private/downloads/4IBE4RA4SfPm1hx5vPMiOw/Madagascar%20ISRP%20FINAL%20REPORT%20SUMMARY\\_English.pdfsystem](https://iwc.int/private/downloads/4IBE4RA4SfPm1hx5vPMiOw/Madagascar%20ISRP%20FINAL%20REPORT%20SUMMARY_English.pdfsystem)

**Death from sound is inherently difficult to ever “prove.”** Thereby, grand mathematical formulas for Invenergy are absent key data (cause of death; unfound dead; lack of studies on whale hearing). Nonetheless, the MMPA primary directive to maintain the “health and stability of the marine ecosystem” remains first and foremost a cultural mandate.

**The Government Accountability Office (GAO) has agreed to investigate the roll of Offshore Wind in whale deaths!!!** <https://www.nationalreview.com/news/government-watchdog-agrees-to-probe-effects-of-offshore-wind-turbines/>

Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, and should be submitted via email to [ITP.clevenstine@noaa.gov](mailto:ITP.clevenstine@noaa.gov).



itp Clevestine - NOAA Service Account &lt;itp.clevestine@noaa.gov&gt;

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## Windmill Feedback - Concerned Recreational Fisherman

1 message

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**Stephen Rhodes** <stephenjrhodes3@gmail.com>

Tue, Jun 20, 2023 at 10:40 AM

To: ITP.CLEVENSTINE@noaa.gov

Greetings. I am a lifelong fisherman from the New York and New Jersey area that has held a Masters Captains License for vessels to 100 gross tons since 1993. I have fished my entire life off the Long Island and New Jersey shores since the mid-1970s. I have seen many cycles in the oceans and have never once thought that building windmills in the ocean was a smart idea. The saltwater environment is too harsh for the equipment and these proposed wind farms should be built in the valleys of New York, New Jersey and Pennsylvania. Land-based windmills like those to the west of San Francisco in the desert seem like a logical choice for wind energy. The proposed windmills off the NY and NJ coast will become an unmitigated disaster and provide huge obstacles for mariners while deteriorating rapidly in the rough North Atlantic environment.

I am a graduate of the University of Notre Dame ('91 Business Administration) and have an MBA from New York University ('99 Technology). Despite having these degrees a fifth grader could tell you that building windmills in the ocean environment makes no sense at all - the cost of building and ongoing maintenance will far exceed windmills built on land. The distance offshore and depth of water will expose the windmills to rough seas and constant erosion. Rust never sleeps.

I have fished off of Prince Edward Island, Nova Scotia and the smart folks on that island build their windmills on their shores and not in the ocean. The number of windmills proposed is shocking and already we have seen a huge increase in the number of mammal deaths. Despite claims from folks paid by the windmill companies, these deaths have never happened in the past 40 years that I have spent on the ocean. The only new variable this past winter was all the soundings done by the windmill survey vessels.

It is shocking to see that all this windmill activity was never voted on by the people of NY and NJ. Nobody wants the ocean environment destroyed by windmill farms of such proposed numbers. I would be happy to provide additional comments and feedback if you would like. I am trying to keep the length of this email manageable.

Best Regards - Captain Stephen J. Rhodes III



itp Clevestine - NOAA Service Account <itp.clevestine@noaa.gov>

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**To Jolie Harrison**

1 message

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**Jamie** <aandfitchchik@aol.com>

Wed, Jun 21, 2023 at 11:33 PM

To: "ITP.clevestine@noaa.gov" <ITP.clevestine@noaa.gov>

TO: Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, NMFS

Stop the industrialization of our oceans and protect the wildlife that live in it. This is wrong that we are letting an already fragile ecosystem be tampered with. Say no to offshore wind.

Jamie Robbins



itp Clevestine - NOAA Service Account <itp.clevestine@noaa.gov>

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## Objection to Proposed Marine Sonar Survey Impacting Whales and Dolphins

1 message

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**James Rouse** <james.rouse.3@gmail.com>  
To: ITP.clevestine@noaa.gov

Tue, Jun 6, 2023 at 8:38 AM

Jolie Harrison  
Chief, Permits and Conservation Division, Office of Protected Resources, NMFS

I am writing to express my deep concern and strong objection to the proposed marine sonar survey 88 FR 32735.

I firmly believe that it is our responsibility to safeguard the well-being of the ocean's magnificent creatures, particularly whales and dolphins.

Marine mammals, including whales and dolphins, rely heavily on their highly developed sonar and communication systems for navigation, hunting, and social interactions. Extensive scientific research has shown that the intense soundwaves produced by marine sonar surveys can have detrimental effects on these vulnerable marine species. The use of high-intensity sonar has been linked to a range of harmful impacts, including:

**Disruption of Communication:** Whales and dolphins rely on acoustic signals to communicate with each other over vast distances. The loud and intrusive sonar signals can interfere with their ability to navigate, find food, and maintain social connections, leading to severe stress and disorientation.

**Physical Harm:** Marine mammals are highly sensitive to sound, and exposure to intense sonar waves can cause direct physical harm, such as internal injuries and damage to their hearing organs. These injuries can have long-term consequences and even lead to stranding events.

**Behavioral Changes:** Whales and dolphins may alter their natural behavior in response to the presence of sonar surveys. They may flee from their regular habitats, abandon feeding grounds, or exhibit erratic and distressed behavior, which can have cascading effects on their overall health and reproductive success.

Given the scientific consensus regarding the harmful impacts of marine sonar surveys on marine mammals, it is crucial that we take proactive measures to protect these vulnerable species and their habitats. I kindly request that you reconsider and halt the proposed marine sonar survey 88 FR 32735.

Instead, I urge you to explore alternative survey methods that are known to be less intrusive and pose minimal risk to marine life.

Further I ask you to consider the large extent of the proposed survey vs the actual need for the project and suggest that it can be significantly reduced in scope.

The proposal would affect hundreds of Whales and thousands of Dolphins and Seals. Such a huge estimated take is unacceptable. Humans should not consider themselves so superior to the most intelligent of ocean going animals that we can inflict such damage on their lives.

Yours sincerely

James Rouse



itp Clevestine - NOAA Service Account <itp.clevenstine@noaa.gov>

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## Offshore Wind Project

1 message

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**RUCKERT, WILLIAM** <William.Ruckert@provident.bank>  
To: "ITP.CLEVENSTINE@noaa.gov" <ITP.CLEVENSTINE@noaa.gov>

Tue, Jun 20, 2023 at 6:55 AM

To Whom It May Concern:

The on-going offshore windmill project is misguided and destined to failure. While a proponent of renewable energy and protecting the environment, as a long-time avid fisherman, primarily off the NJ coast, these structures will be an unnecessary danger to navigation. Further the destructive properties of salt water will most assuredly cause mechanical issues/failures. I urged you to stop supporting this project and seek other, more reliable, time tested, alternatives.

Respectfully

Wm. J. Ruckert, III

Senior Vice President

Provident Bank

[511 Sea Girt Ave-Suite 3](#)

[Sea Girt, NJ 08750](#)

O-732-800-0544

C-201-240-2136

E-bill.ruckert@Provident.Bank



itp Clevestine - NOAA Service Account <itp.clevenstine@noaa.gov>

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## Comments on Takes to Marine Wildlife

1 message

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**Adam Spinozzi** <aspinozzi1@gmail.com>  
To: ITP.clevenstine@noaa.gov

Wed, Jun 21, 2023 at 1:23 PM

To whom this concerns,

As a resident of NJ, I oppose the continuation of these request as well as infrastructure development off the coast of our shore towns. The industrialization of our oceans is anything but productive to a future of environmentalism and wildlife conservation. Habitat destruction cannot be the solution to climate issues.

Concerned Citizen,  
Adam Spinozzi



itp Clevensline - NOAA Service Account <itp.clevensline@noaa.gov>

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## Windmills off NJ

1 message

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**Sue** <mbeach1964@hotmail.com>  
To: ITP.CLEVENSTINE@noaa.gov

Mon, Jun 19, 2023 at 8:51 AM

Stop the windmills! Protect our beaches, our marine life, our people and our tourism.  
Sent from my iPhone





itp Clevensine - NOAA Service Account &lt;itp.clevensine@noaa.gov&gt;

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## Comments on IHA New York Bight-Invenergy

1 message

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**Albert Torjman** <alberttorjman@gmail.com>  
To: ITP.clevensine@noaa.gov

Sat, Jun 17, 2023 at 6:55 PM

Dear sir, madam

Re: Lease Area OCS–A 0542 (Lease Area) IHA request from Invenergy

Thank you for the opportunity to comment on this request for takes and harassment of marine life.

I strongly object to this request being approved, it is totally against the MMPA as written as well as its intent. It will further diminish the population of many species including endangered species and possibly bring them to total extinction. I find the information NOAA provided with the permit very confusing and misleading as it fails to look at the issue comprehensively: it fails to take into account the cumulative effect of all the permits received or approved by NOAA. I attach as evidence supporting my comment a chart showing a tabulation of 25 permits either issued or pending for this action showing the total takes from all of them, which show a total of 22% of endangered species being taken. Furthermore, when taken together, all these permits amount to large numbers of takes and in some cases those takes approach or exceed 100% of the species population. It is inconceivable that this request should even be considered.

Best regards,

Al  
Margate, NJ 08402

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 **Permit for 25 IHA.pdf**  
108K

NEW  
Invenergy Offshore Wind

TOTAL "INCIDENTAL TAKES"  
FROM HARASSMENT BY  
25 OCS-A LEASES  
as of June 16, 2023

MARINE MAMMAL SPECIES	TOTAL STOCK SIZE OF SPECIES	TOTAL OF ALL INCIDENTAL TAKES	TOTAL % OF STOCK SIZE
<b>WHALES – Mysticetes (Baleen)</b>			
Fin Whale, Endangered	6,802	2,477	36%
North Atlantic Right Whale, Endangered	338	710	210%
Sei Whale, Endangered	6,292	341	5%
Blue Whale, Endangered	412	29	7%
Sperm Whale, Endangered	4,349	426	10%
<b>TOTAL Endangered Whales</b>	<b>18,193</b>	<b>3,983</b>	<b>22%</b>
<b>OTHER WHALES</b>			
Humpback Whale	1,396	1,981	142%
Minkie Whale	21,968	4,767	22%
Dwarf Sperm Whale	4,548	8	0%
Pygmy Sperm Whale	7,750	10	0%
Cuvier's Beaked Whale	Unknown	14	-%
Bairville's Beaked Whale	5,500	8	0%
Gervais' Beaked Whale	Unknown	8	-%
Sowerby's Beaked Whale	Unknown	8	-%
True's Beaked Whale	Unknown	6	-%
Northern Bottlenose Whale	Unknown	12	-%
Mesoplodont Whale	Unknown	18	-%
<b>TOTAL WHALES</b>	<b>77,548</b>	<b>10,843</b>	<b>14%</b>
<b>DOLPHINS – Odontocetes</b>			
Atlantic Spotted Dolphin	39,921	31,109	78%
Atlantic White-Sided Dolphin	93,233	15,974	17%
Bottlenose, Offshore Dolphin	62,851	29,415	47%
Bottlenose, Coastal Dolphin	6,639	10,468	158%
Bottlenose, Offshore & Coastal Dolphin	69,490	50,188	72%
Clymene Dolphin	4,237	344	8%
Short-Beaked Common Dolphin	172,974	207,759	120%
Pygmy Killer Whale	Unknown	10	-%
Killer Whale	Unknown	10	-%
False Killer Whale	1,791	33	2%
Fraser's Dolphin	Unknown	384	-%
Melon-Headed or Little Killer Whale	Unknown	228	-%
Pantropical Spotted Dolphin	6,593	260	4%
Long-finned Pilot Whales	39,215	2,816	7%
Short-finned Pilot Whales	1,981	1,916	97%
Risso's Dolphin	35,215	1,604	5%
Rough-Toothed Dolphin	4,853	248	5%
Striped Dolphin	67,036	128	0%
White Beaked Dolphin	536,016	150	0%
<b>TOTAL DOLPHINS</b>	<b>1,142,045</b>	<b>353,038</b>	<b>31%</b>
<b>PORPOISES</b>			
Harbor Porpoise	95,543	21,491	22%
<b>SEALS – Pinnipeds</b>			
Gray Seal	27,300	31,163	114%
Harbor Seal	61,336	52,460	86%
Harp Seal	Unknown	10,983	-%
Hooded Seal	593,500	3	0%
<b>TOTAL SEALS</b>	<b>682,136</b>	<b>94,609</b>	<b>14%</b>
<b>TOTAL COUNT OF ALL SPECIES</b>	<b>1,997,272</b>	<b>479,961</b>	<b>24%</b>
<b>TOTAL ENDANGERED SPECIES</b>	<b>18,193</b>	<b>3,983</b>	<b>22%</b>

Date Printed: 06/16/23, 03:11:18 PM



itp Clevestine - NOAA Service Account <itp.clevestine@noaa.gov>

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## Public Comments

1 message

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**URN Surf Company** <urnsurfco@gmail.com>

Tue, Jun 20, 2023 at 3:35 PM

To: ITP.clevestine@noaa.gov

Cc: Joseph Chapman <jpchapman12@gmail.com>

The project should immediately be stopped. End the industrialization of our oceans and stop the unnecessary killing & disturbing of marine life!

Re: [https://www.federalregister.gov/documents/2023/05/22/2023-10850/takes-of-marine-mammals-incident-to-specified-activities-taking-marine-mammals-incident-to?fbclid=IwAR3DWCpUYtaaZeu753hekjHjgAwl4DHq-ntR2nO1JEvoZ7bXJcehwfwpXxM\\_aem\\_th\\_AYEBI5YCXQJY3J20KfaCq6Dr78ZJa6nTG\\_RyFqIXgeFgEQegpOcnHPvWZiUnnyF\\_7SQ&mibextid=Zxz2cZ&fbclid=PAAaZTSJ0Fannelpu0vewKZyw8vSxPba964wtlbDd-XepBMDRjps4UuWVCXkl\\_aem\\_th\\_AYHqBh2TqXtT4uuCE7MFCo-XGgTH8rRKovBr31Nn94WD-QsbazYCCCKSV2YGeU19XgaQ](https://www.federalregister.gov/documents/2023/05/22/2023-10850/takes-of-marine-mammals-incident-to-specified-activities-taking-marine-mammals-incident-to?fbclid=IwAR3DWCpUYtaaZeu753hekjHjgAwl4DHq-ntR2nO1JEvoZ7bXJcehwfwpXxM_aem_th_AYEBI5YCXQJY3J20KfaCq6Dr78ZJa6nTG_RyFqIXgeFgEQegpOcnHPvWZiUnnyF_7SQ&mibextid=Zxz2cZ&fbclid=PAAaZTSJ0Fannelpu0vewKZyw8vSxPba964wtlbDd-XepBMDRjps4UuWVCXkl_aem_th_AYHqBh2TqXtT4uuCE7MFCo-XGgTH8rRKovBr31Nn94WD-QsbazYCCCKSV2YGeU19XgaQ)

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Cheers,

<http://urnsurfco.com/shop/>

United Rebel Nation (URN) Surf Company

New Jersey's Surfing Lifestyle, Clothing, and Rambler Surf Magazine News Source.



itp Clevestine - NOAA Service Account &lt;itp.clevestine@noaa.gov&gt;

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## Comments on proposed Invenergy IHA

1 message

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**David Wojick** <dwojick@craigellachie.us>  
To: ITP.clevestine@noaa.gov

Wed, Jun 21, 2023 at 11:06 AM

To: Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, NMFS

Below and attached are my comments on the proposed Invenergy IHA in the form of an article of mine posted by CFACT. In summary this is not a site survey as roughly 98% of the proposed survey area lies outside the site. There is no justification for this massively widespread harassment. Also, level B harassment is an adverse environmental impact so this sort of proposal falls under NEPA.

Therefore I respectfully request that this proposal by Invenergy be denied.

David

David Wojick, Ph.D.

NOAA proposes massively cruel offshore sonar survey

By David Wojick, CFACT

You would think that with all the uproar over whale deaths, NOAA and the offshore wind industry would be more careful about harassing huge numbers of marine mammals. On the contrary NOAA's latest proposal sets a new record for needless cruelty.

NOAA's National Marine Fisheries Service (NMFS) is taking comments on an outrageously destructive harassment proposal from Invenergy Wind, off the coast of New Jersey, where whale deaths have been greatest. Here is the proposal: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-invenergy-wind-offshore-llcs-site-characterization-surveys-new>

It is called a "site characterization survey" and it does include a new offshore wind development site that Invenergy picked up last year with a whopping bid of \$645 million. That apparently buys a lot of Federal cooperation, because this is nothing like a site survey.

You see the site is a mere 131 square miles, while the proposed sonar blasting survey area is over 6,000 square miles. In other words the site is a mere 2% of the survey area, so it is clearly not a site survey.

What is the 98% non-site survey for? There is no actual explanation but it is labeled the Export Cable Route (ECR) area. There is no actual export cable route so they are surveying everywhere it might conceivably go. Some of the ECR area is absurd as a potential cable location, especially that which is as far out to sea as the project, or further.

This possible-cable area is enormous. It runs from New York City to south of Atlantic City and from the Jersey Shore to over 50 miles out to sea. The front page of the NMFS proposal linked to above has a map, conveniently showing both the tiny site area and the huge ECR area.

Not surprisingly, given this huge area the predicted marine mammal harassment numbers are appalling:

138 Whales  
1,900 Seals  
950 Porpoises  
1,742 Dolphins  
Total = 4,730 or just under 5,000 supposedly protected marine mammals

This is needless cruelty personified. They clearly have no idea where the cables will go. That will be determined by who takes the Power Purchase Agreement, if anybody, and where they can come ashore to deliver the juice.

The results of this incredibly destructive 6,000 square mile survey will be almost entirely irrelevant when that happens. All that will matter is what lies between the project site and the landing point. Obviously the cable route survey should wait until that location is known, thus saving thousands of protected critters from harmful harassment.

That NMFS should propose this huge amount of needless harassment is an issue in itself. NMFS, known simply as NOAA Fisheries, seems to have abandoned its mission to protect marine mammals in favor of reckless offshore wind industrialization.

Here is their mission statement: "NOAA Fisheries is responsible for the stewardship of the nation's ocean resources and their habitat." These are living resources to be cared for, not industrial wind facilities.

In particular NMFS is supposed to enforce the Marine Mammals Protection Act. Allowing the pointless harassment of thousands of marine mammals is the opposite of protection.

6/21/23, 10:52 AM

National Oceanic and Atmospheric Administration Mail - Comments on proposed Invenergy IHA

They cannot have failed to notice that this is not a site characterization survey. NMFS should have rejected the Invenergy proposal as absurdly overreaching and cruel.

Even worse, NMFS claims that this mass harassment of thousands of protected critters is not an environmental impact so it does not fall under NEPA. Harassment is clearly an adverse impact, plus it can easily lead to deadly behavior. For example level B harassment includes causing temporary deafness which in one of the world's busiest shipping areas is obviously life threatening.

Given this absurdly cruel proposal NOAA Fisheries needs to be redirected back to its mission. To begin with the Invenergy proposal must be rejected.

Published at <https://www.cfact.org/2023/06/05/noaa-proposes-massively-cruel-offshore-sonar-survey/>

Sent from my iPad



**Wojick -- NOAA proposes massively cruel offshore sonar survey .pdf**

21K