



# Celebrating 50 Years of the Endangered Species Act: A Critical Examination of the Atlantic Shores South Offshore Wind Energy Project's Impact Assessment

## **A Milestone Anniversary Overshadowed by Concerns**

Today marks the 50th anniversary of the Endangered Species Act (ESA), a landmark legislation aimed at protecting our planet's most vulnerable species. Unfortunately, as we celebrate this milestone, the implementation of the ESA faces serious challenges, particularly in the context of the proposed Atlantic Shores South offshore wind energy project.

## **Unveiling the Biological Opinion (BO): Concealed Concerns and Flawed Modeling**

The National Oceanic and Atmospheric Administration (NOAA) Fisheries recently issued a Biological Opinion (BO) on the Atlantic Shores South project under the ESA. However, the lack of public disclosure raises questions about transparency and accountability. Furthermore, if the BO relies on noise exposure modeling from the Marine Mammal Protection Act's proposed rulemaking, significant flaws may compromise its validity.

## **Critical Analysis of Noise Modeling: Underestimating the True Impact**

The BO asserts consideration of construction, operation, and decommissioning effects but neglects critical aspects like turbine operation and decommissioning noise modeling. Save LBI's review reveals unsupported assumptions, systematically underestimating the impacts on North Atlantic right whales (NARW) and other marine mammals. The cumulative impact of multiple projects in the New York Bight area is also overlooked.

## **Questionable Assumptions and Updates: Challenging the Status Quo**

The BO introduces updates claiming NARW no longer migrates near the Atlantic Shores lease area, contradicting years of observational data. Save LBI challenges these assumptions, emphasizing the uncertainty of whale migration patterns. The noise modeling's weighting function, asserting baleen whales' poor hearing at low frequencies, contradicts established scientific knowledge and their vocalization patterns.

## **Critical Habitat Oversight: A Self-Fulfilling Prophecy?**

The press release downplays impacts on NARW critical habitat, relying on the absence of a designated critical habitat off New Jersey. Save LBI questions this self-fulfilling prophecy and calls for a reevaluation of critical habitat designations to ensure comprehensive protection.

## **Mitigation Measures: Ineffectiveness and Unrealistic Expectations**

While the BO mentions measures to minimize, monitor, and report effects, Save LBI challenges their effectiveness during construction and questions the feasibility of turbine shutdowns during operation. NOAA's refusal to recognize potential indirect harm despite evidence further amplifies concerns.

### **The Road Ahead: Save LBI's Stance and Call to Action**

Save LBI refuses to let mere words jeopardize the ESA's integrity. In response to identified flaws, Save LBI notifies NOAA of its intent to file litigation, demanding rectification of BO shortcomings. As the BO becomes available online, Save LBI remains vigilant, and committed to ensuring the ESA's compliance and the protection of our endangered species.

In conclusion, the 50th anniversary of the ESA prompts reflection on its efficacy in the face of evolving challenges. The Atlantic Shores South project serves as a litmus test, demanding rigorous scrutiny to uphold the Act's core principles and safeguard our planet's biodiversity for generations to come.