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Save LBI Files Lawsuit Declaring Airborne Noise from the Atlantic Shores South Offshore Wind Project Violates New Jersey Land Use Law, Local Ordinances, and Creates a Private Nuisance.

September 16 2024 – Save Long Beach Island, the non-partisan organization of citizens and businesses dedicated to protecting our oceans and New Jersey Shore communities, filed a lawsuit on September 13, 2024 against the Atlantic Shores South offshore wind-turbine project, declaring the project will violate local noise ordinances and nuisance criteria.

Remarkably, neither Atlantic Shores Offshore Wind or the federal Bureau of Ocean Energy Management (BOEM), which approved the project in July, have presented any study of the level and impact of the airborne noise that would be generated during the construction and operation of 200 enormous wind-turbines, each more than three times the height of the Statue of Liberty and some only 8.7 miles from the beach. Such noise assessments have been conducted for wind projects farther offshore.

“In addition to creating underwater noise that puts marine mammals at risk, the heavy diesel-powered hammer that will be used to ‘pile drive’ two hundred 50-foot-diameter steel foundations into the seabed will create significant airborne noise said Bob Stern, president and co-founder of Save LBI. “And that noise will be audible on shore because sound can travel much better over water.”

Since the federal government and Atlantic Shores have abdicated their responsibility to local communities and ignored several requests to do an assessment, Save LBI engaged experts in acoustics and hearing health to scientifically calculate the level of noise that would be audible on shore to understand potential health impacts and disturbances on the community.

“The results are rather startling,” Stern said. “The level of noise created by pile driving *and* turbine operation would exceed noise levels known to cause health problems and sleep and other disturbances.”

Conservative modeling of noise from the pile driving revealed onshore noise levels that clearly violate the 50 decibel noise ordinance level for Brigantine, New Jersey. Such noise is comparable to that of an electric fan and in this case may be of a pulsating nature, making it even more disturbing. Modeling of the noise heard at the shore from operating turbines was just below the Brigantine standard and LBI night-time standards, but when “inversion conditions” are taken into account, the noise level violates standards in not only Brigantine but in Beach Haven and Long Beach Township. Inversion conditions

occur frequently in summer when the air temperature and wind speed increase with height above the water and accentuate the noise travel.

In the lawsuit, Save LBI asks the Court to conclude that this site is not suitable for these size turbines and to direct the company to do a full airborne noise assessment and pilot project before the project can proceed. This request would compel Atlantic Shores to determine that its project's pile driving and operational noise would not reach magnitudes likely to cause health hazards in residents or violate NJ law.

More Legal Challenges to Come.

The Atlantic Shores wind turbine project, just 9 miles off a beautiful barrier Island beach will:

- Place several hundred huge industrial structures into the ocean with no plan or capability to remove and process them onshore-resulting in visual blight, navigation hazards, the loss of hundreds of thousands of acres of productive marine resource, and turbine structural failures and shore contamination similar to the recent Nantucket event-for generations.
- Destroy the shore experience with highly visible turbines and disturbing blade rotation, airborne noise, reduced breeze, and higher air temperature and humidity.
- Have a severe economic impact on tourism, jobs, rentals, property value, and tax revenues.
- Dramatically increase electric bills to every user in the State placing an additional financial burden on households and businesses.
- Kill marine mammals from the high levels of underwater noise from vessel surveys, pile driving of foundations, and the long-term operation of these larger and noisier turbines,
- Impair our defense air radars in Gibbsboro, NJ
- Have, in the words of the project impact statement itself, only a "negligible" effect on climate change. Because that is caused by global heat transfer already underway, this project would only delay future sea level rise for a matter of days, not stop it.

This project, closer to shore than any other modern one the world and in the migration path of a critically endangered whale, is perhaps the best example of the uninformed, reckless decision-making producing irreversible damage.

Therefore, this lawsuit is just the latest in a series of previous and upcoming legal actions against the destructive impacts of the Atlantic Shores South and Atlantic Shores North projects. Combined, these projects will industrialize the NJ coastline between Atlantic City and Barnegat Light with the 357 wind turbines. The greater offshore wind plan embraced by state and federal governments would ultimately "fence in" the entire NJ coastline from Sandy Hook to Cape May with more than 2,000 wind turbines.

Save LBI legal actions will:

- Protect marine mammals, including critically endangered whales, under the **Endangered Species Act and the Marine Mammal Protection Act**

- Dispute the project’s Environmental Impact Statement (EIS) and the entire governmental review process under the **National Environmental Policy Act**; the review process has not allowed for the consideration of meaningful alternatives, which should be the “heart of any EIS
- Prevent excessive electric bill increases under the State’s **Offshore Wind Energy Development Act** by challenging the highly flawed cost-benefit analysis on which the NJ Board of Public Utilities pending award is based
- Safeguard vessel navigation, fishing, and national defense uses of the ocean under the **Outer Continental Shelf Lands Act-**
- Protect the NJ coastal zone under the **Coastal Zone Management Act**

About Save LBI

Save Long Beach Island (Save LBI) is a organization of citizens and businesses on and off the Island working together to protect the ocean and Long Beach Island and neighboring communities from the destructive impact of offshore wind projects. As a not-for-profit, non-partisan entity, we do not endorse any political candidates but vigorously pursue policies and actions that protect the Island and surrounding communities. The coalition is led by Beach Haven resident Dr. Bob Stern, an engineer with experience in environmental law who previously managed the U.S. Department of Energy’s office overseeing environment protection related to energy programs and projects.

Save LBI is fighting in Court to stop this ill-conceived project. Please visit SaveLBI.org to join the fight and consider making a donation.

