

Press Release
Save Long Beach Island Inc.
PO Box 579
Ship Bottom, NJ 08008
www.savelbi.org

For immediate release:
August 15, 2023

Save LBI Lays Out Evidence for Cause of Whale Deaths

Background

On August 4th, 2023, Save Long Beach Island (LBI) filed a lawsuit seeking to enjoin the ongoing offshore wind energy vessel surveys using high intensity noise equipment until a thorough investigation could be done and new protocols developed for estimating noise impacts from wind energy development activities. On August 14th Save LBI responded to defendant and defendant-intervenor motions, laying out in detail the evidence linking the vessel surveys to the recent whale deaths.

Evidence of Causation of Whale Deaths by Vessel Surveys

The federal defendant concludes that the vessel surveys are not the cause of the recent whale and dolphin deaths, and that there is no evidence linking the two. In fact, there is ample evidence leading to a conclusion that the surveys were and are the only plausible cause, as summarized below:

1. There was an unprecedented spike in whale and dolphin deaths off the New Jersey shore beginning in December, 2022.
2. The number of survey vessels operating increased from two in November to six in December when the deaths began, and were the only new presence in the area.
3. Survey vessel locations and times are correlated with locations and times of the whale deaths.
4. The survey approvals grossly underestimate the number of incidents of whale exposure to elevated noise levels by using unsupported technical and scientific assumptions, including:

- an arbitrary, low, noise source level for the noise-controlling unit, obtained from a smaller, less powerful surrogate device, as opposed to higher levels easily obtained from noise measurements of the device itself,
- a scientifically unsupported, high noise dissipation rate versus a moderate, more common one used elsewhere for other authorizations, and
- a single, unrealistic whale disturbance noise level criterion, as opposed to a gradual behavior response to various noise levels based on whale observations, and already used for other authorizations.

5. The noise from the controlling vessel device is in the frequency range of the whale's hearing and vocalizations, and extends far from the vessels at levels that will disturb its behavior, which can then lead to serious harm and fatality.

6. Similar marine mammal stranding have been observed worldwide associated with vessel surveys using air guns and mid-frequency sonar devices, that have similar noise level propagation in horizontal directions where most of marine mammals are, and that

7. No other plausible cause or causes of the spike in whale deaths have been put forth by the agencies or the wind energy companies.

Conclusions

It should not require Court direction for the federal agency to investigate the obvious. It should undertake the requested remedies voluntarily, and identify the noise devices being used on each vessel, which it has withheld.

Contacts:

Bob Stern, President
Save LBI
drbob232@gmail.com
917.952.5016

Thomas Stavola Jr. Esq.
tstavolajr@stavolalaw.com
732.790.0639

