



Save Long Beach Island, Inc.
www.SaveLBI.org

July 30, 2025

The Honorable Douglas Burgum
Secretary, Department of the Interior
1849 C Street NW
Washington, DC 20240

Director, Office of Renewable Energy Programs
Bureau of Ocean Energy Management
45600 Woodland Road
Sterling, VA 20166

Walter Cruickshank, BOEM Director
1849 C Street, NW
Washington, D.C. 20240

Division of Mineral Resources
Office of the Solicitor
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Environmental Protection Agency – Region 2
290 Broadway
New York, NY 10007-1866

NOAA Fisheries Headquarters
1315 East-West Highway, 14th Floor
Silver Spring, MD 20910

Secretary of Defense
Mr. Pete Hegseth
1000 Defense Pentagon
Washington, DC 20301-1000

Howard Lutnick, Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Ave NW
Washington, DC 20230

The Honorable Christopher H. Smith
2373 Rayburn House Office Building
Washington, DC 20515

District Offices:
33 Washington Street, P.O. Box 728,
Toms River, NJ 08754
1715 Highway 35 N, Suite 303,
Middletown, NJ 07748

The Honorable Jefferson Van Drew
2447 Rayburn House Office Building
Washington, DC 20515-3002

District Offices:
1001 Tilton Road, Suite 101,
Northfield, NJ 08225

President Donald J. Trump
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dr. Kevin Hassett
Director, National Economic Council
1600 Pennsylvania Ave NW
Washington, DC 20500

**RE: PETITION TO CANCEL THE ATLANTIC SHORES OFFSHORE WIND
SOUTH AND NORTH LEASE AREAS; EXPEDITED RESPONSE REQUESTED
FOR ATLANTIC SHORES SOUTH**

Dear Secretary Burgum:

In this cover letter and **Petition (“Rationale” enclosure)** appended herewith, Save Long Beach Island, Inc. (“Save LBI”) respectfully and urgently requests that BOEM invoke its authority to **CANCEL the Atlantic Shores South and Atlantic Shores North lease areas. Save LBI requests emergency treatment and expedited response on the Atlantic Shores South lease**, as that project possesses almost all of its federal approvals, and thus may begin construction within the next 12 months. Furthermore, both Atlantic Shores Offshore Wind South

(and North) are within the migratory corridor of a critically endangered whale, which is subject to perturbation from the multiplicity of offshore wind projects in its corridor (from Virginia northeastward to New England). As such, the legal basis for the Petition is as follows.

Legal Mechanism and Action Request

- 5 U.S.C. §553(e) – confers the procedural right to petition, within the ambit of the Administrative Procedures Act
- 5 U.S.C. § 555(e) – “Prompt notice shall be given of the denial in whole or in part of a written application, petition, or other request of an interested person made in connection with any agency proceeding.”
- 43 U.S.C. § 1332 et seq., and 43 U.S.C. § 1337(p) et seq. – governing statutory criteria
- 30 CFR § 585.417 – BOEM Suspension authority [regulations]
- 30 CFR § 585.422 – BOEM Lease Cancellation authority [regulations]
- 43 U.S.C. §1341 – BOEM national defense cancellation authority
- 30 CFR § 585.102 – Balancing test [regulation]
- 50 CFR § 402.16 – Reinitiation of consultation due to new evidence

Employing the above procedural and substantive legal authorities, **Save LBI respectfully requests that BOEM cancel the lease areas for Atlantic Shores – both Atlantic Shores North and South (emergency treatment for Atlantic Shores South). The evidentiary justification for invoking the above authorities and proceeding with lease abrogation is more fully set forth in the Petition attached herewith. Save LBI reserves the right to pursue relief under the Administrative Procedure Act, including 5 U.S.C. § 555(b) and § 706(1), should BOEM fail to act on this petition within a reasonable time. Save LBI respectfully requests a response within 60 days.**

Background and Purpose for the Petition

The purpose of this letter is to petition you on behalf of Save LBI, an organization of over 10,000 plus individuals supportive of sound energy policies and dedicated to the preservation of our shore and ocean environment, to rescind the Bureau of Ocean Energy Management (BOEM) construction permit for the Atlantic Shores (AS) South projects, and to cancel those leases (0499 and 0570) based on the detailed rationale and justifications in Enclosure 1.

We also are asking that you and BOEM consider our detailed concerns for Atlantic Shores South in your review of the Construction and Operations Plan for the adjacent AS North project, that you reject that application, and that you cancel that lease (0549) as well.

We also repeat our request for a rule making to revise the applicable regulations to better align them with the Outer Continental Shelf Lands Act (OCSLA) requirements, and to streamline and improve the permitting process. Some of the reasons for rule revision were described in our Petition to you of March 7, 2025, inserted here in Enclosure 2. We would appreciate a response to that petition as well.

We are writing now in response to the President’s January 20 and July 7 Executive Orders regarding offshore wind, and because of your apparent turn around on the Empire Wind 1 project in implementing the prior Offshore

Wind Executive Order. We are committed to permanently stopping the Atlantic Shores projects. President Trump specifically promised to stop the Atlantic Shores South projects last summer during a rally at Wildwood, and again in his announcement of the January Offshore Wind Executive Order. He did not specifically mention the Atlantic Shores projects by name, but did uniquely describe them – 200 massive wind turbines off the southern NJ shore. We expect him (and you) to live up to his promises. We also note that, in accord with the January Offshore Wind Executive Order and in part based on our own formal appeal, the EPA has remanded its Air Quality permit for the AS South projects. We are hopeful the Department of Interior will act similarly.

We are copying the Secretary of Commerce with the request that he will have the NMFS review their previous biological opinions and mammal “take” decisions based on more complete analysis of the science on the noise impact levels and impacts on mammals – including the critically endangered North American Right Whale. These prior opinions and assessments relied on numerical impact protocols that systematically underestimated the impacts to marine mammals at almost every stage of the calculation, as explained in detail in our letters to you and Secretary Lutnick of February 18th, 2025, inserted here in Enclosure 3.

We are copying the Secretary of Defense with the request that DOD will take a fresh look at how these projects impact our defense readiness consistent with the priority OCSLA gives to national security. That should include an immediate DOD review of its 10/20/24 Memorandum of Understanding with the Department of the Interior to be sure it reflects the current Administration’s priorities.

Our Rationale for Suspending and Cancelling Atlantic Shores NJ Wind Energy Area Leases (Enclosure 1) provides strong legal bases for suspending the Atlantic Shores permits and cancelling the leases. The rationale includes:

- 1. The specific activities and location meet the criteria for lease cancellation by the Secretary of the Interior per 30 CFR 585.422**
 - The projects will cause serious damage to life; to marine, human, and coastal environments; to objects of high historical and archeological significance; and to national security/defense.
 - The harm will not decrease to acceptable levels in a reasonable period of time.
 - The advantages of cancelling the permit or lease outweigh the advantages of continuing the permit or lease.
 - Prior approvals were obtained through repeated misrepresentation of material facts.
 - Certain activities may have already violated conditions of the lease.
- 2. The specific activities and location do not meet the “requirements” for a lease as per the Outer Continental Shelf Lands Act (43 USC 1337 (p) (4))**

43 USC 1337 (p) (4) lists 12 different requirements each of which the lease activities must meet. The Atlantic Shores projects fail to meet 11 of the 12 specific requirements.

Besides the legal basis for suspending the construction permits and cancelling the leases, there are also “common sense” reasons to which the President referred – namely, the uniquely bad location - the closest to the shore of any such large project in the entire world with the huge impacts that brings to the shore communities; and being in the migration path of the critically endangered North American Right Whale. Those obvious problems were missed in the original site selection process, which used outdated assumptions and involved virtually no local input - which we document at length in Section II of Enclosure I. That sadly deficient site selection process and EIS evaluation are the subjects of current litigation.

Finally, we would take this opportunity to make a new request regarding the Atlantic Shores South Environmental Impact Statement - that its prior approval be rescinded and the document reviewed based on the significant new circumstances and information that have arisen since its approval. Some of that new information was outlined in our prior request to revisit the ESA Biological Opinion approval regarding operational turbine noise impacts. But even more fundamentally, the purpose and need for the project in the EIS, which should drive its structure in terms of alternatives considered, is no longer applicable. The previous stated purpose was based on prior Administration Executive Orders regarding climate change, the regulation of greenhouse gasses by the EPA, and the defined federal goal of 30 Gigawatts of offshore wind power by 2030. Under current Administration policy none of those foundations now exist rendering the current document obsolete. A similar policy of the state of NJ also has proven to be so unrealistic that the NJ Bureau of Public Utilities was unwilling to provide a power purchase agreement for Atlantic Shores South Project 2, and the applicant has requested that the power purchase agreement for Project 1 be terminated. The stated purpose for the projects has evaporated and the EIS should be rescinded and re-evaluated.

We are hoping your involvement will produce the results the President has promised consistent with the legal requirements and both national and local interests. If we can be helpful in providing additional information or support please let me know. We would welcome an opportunity to meet with appropriate people from your Department to discuss the details of this petition.

Sincerely,

Bob Stern

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

Enclosure 1, Petition and Rationale Document.
Enclosure 2, Petition for OCS Rule Revisions.
Enclosure 3, Need for Biological Opinion Rescission.

