



Save Long Beach Island, Inc.

P.O. Box 2087, Long Beach Township, NJ, 08008

www.SaveLBI.org

PRESS RELEASE

FOR IMMEDIATE RELEASE

August 11, 2026

Federal Court Grants Remand of Atlantic Shores Offshore Wind Approval to BOEM for Reconsideration

LONG BEACH ISLAND, N.J. — Save Long Beach Island, Inc. (“Save LBI”) announced today that the U.S. District Court for the District of Columbia has granted the federal government’s request to remand the federal approval of the Atlantic Shores South offshore wind project to the Bureau of Ocean Energy Management (“BOEM”) for reconsideration.

U.S. District Judge Jia M. Cobb concluded that BOEM had identified substantial and legitimate concerns warranting reconsideration of its approval of Atlantic Shores’ Construction and Operations Plan (“COP”). The Court remanded the matter to BOEM and stayed the litigation while the agency conducts its review.

Critically, the Court rejected Atlantic Shores’ contention that the preliminary injunction entered in the separate RENEW Northeast litigation effectively prevented BOEM from meaningfully reconsidering the project. Judge Cobb found that the injunction does not prohibit all reevaluation by BOEM and agreed with the federal government and Plaintiffs that its reasons for reconsidering Atlantic Shores’ approval extend beyond the currently enjoined Zerzan Opinion.

Save LBI and plaintiffs noted in their submissions that their legal allegations under the MMPA, ESA, NEPA, OCSLA, and CZMA bear directly upon BOEM’s § 1337(p)(4) OCSLA determination and COP approval because those analyses inform whether the authorized activities adequately provide for the relevant factors BOEM must consider under OCSLA.

“Save Long Beach Island welcomes the Court’s decision to remand the Atlantic Shores approvals, and it is satisfying to finally see judicial validation of the many significant concerns

we have been highlighting,” said Dr. Stern, President of Save Long Beach Island. “We are grateful to all the other plaintiffs who have participated in this effort with us.”

“This Court decision establishes important precedent in this case and provides persuasive authority in a number of respects,” said Thomas Stavola Jr. Esq., counsel for plaintiffs. “It reaffirms BOEM’s inherent authority to reconsider approvals, confirms that the agencies can still obtain remand based upon reasons other than the currently enjoined Zerzan Opinion, as we’ve argued, and holds that a developer’s complaints about undue harm do not preclude remand.”

The remand is without vacatur, meaning the existing COP approvals remain in effect unless and until BOEM takes affirmative action to modify or revoke them. The Court nevertheless observed that BOEM is already reconsidering the COP regardless of the judicial remand and rejected Atlantic Shores’ claim that the remand itself would cause undue prejudice to the developer.

Judge Cobb also retained oversight of the remand process. The Court ordered the parties to submit a joint status report by October 9, 2026, including an updated explanation from the federal government concerning why a 120 day or similar deadline for completing BOEM’s reconsideration would not be appropriate. Status reports will thereafter be required every 60 days.

Save LBI and the other plaintiffs will continue to participate in the proceedings and monitor BOEM’s reconsideration of the Atlantic Shores approvals.

About Save Long Beach Island, Inc. Save Long Beach Island, Inc. is a non-profit, non-partisan organization dedicated to protecting the marine environment, coastal ecosystems, and quality of life for residents and visitors of Long Beach Island and the surrounding region. The organization advocates for science-based, balanced policies that safeguard wildlife, preserve local economies, and promote responsible stewardship of ocean resources.

###

For more information, contact:

Bob Stern, Ph.D., President
Save Long Beach Island, Inc.
drbob232@gmail.com
917-952-5016

Thomas Stavola Jr. Esq., counsel for Plaintiffs.

tstavolajr@stavolalaw.com

732-539-7244