



**Save Long Beach Island**  
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**FOR IMMEDIATE RELEASE;**

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### **Save LBI and Allies Sue Federal Agencies Over Unlawful Authorization of Empire Wind Project**

**LONG BEACH ISLAND, N.J.** — On May 13, 2025, Save Long Beach Island, Inc., joined by Save the East Coast, Protect Our Coast Long Island-New York, and the Miss Belmar whale watching company, filed a federal lawsuit in the District of New Jersey challenging the prior approvals of the Empire Wind offshore wind project off of Long Branch, NJ and Long Beach, NY.

The lawsuit, filed against the U.S. Department of Commerce, the National Marine Fisheries Service (NMFS), the Bureau of Ocean Energy Management (BOEM), and the Department of the Interior, alleges that the federal government violated multiple environmental laws—including the Marine Mammal Protection Act (MMPA) and the National Environmental Policy Act (NEPA)—by authorizing the construction and operation of the Empire Wind project without adequately safeguarding marine mammals and properly examining the project's full environmental impact.

The fulcrum of the complaint is NMFS's approval of an Incidental Take Authorization (ITA), which permits Empire Wind to disturb or harm thousands of marine mammals, including over 30% of the Northern Migratory Coastal Bottlenose Dolphin population annually, far surpassing the legal limits allowed under the MMPA.

“Authorizing the take of nearly one-third of a protected dolphin population in a single year, and the majority of that population over the course of the project’s 5-year period, is not just illegal, it’s ecologically reckless,” said Dr. Robert Stern, President of Save LBI. “This lawsuit is about enforcing the scientific and legal limits of takes to ensure marine mammals don’t become collateral damage in the senseless rush to industrialize the ocean,” said Dr. Stern.

The plaintiffs also allege that BOEM’s Environmental Impact Statement for Empire Wind violated NEPA by failing to consider a meaningful range of project alternatives, underestimating the environmental harm of the project, and all the while failing to fully account for the cumulative impacts of other offshore wind projects. “This lawsuit ultimately seeks to unwind a project which egregiously violates the MMPA and could devastate a species of dolphin specifically designated as depleted under the MMPA,” said Thomas Stavola Jr., attorney for Plaintiffs.

"Simply because Empire Wind invested significant monies and acted in reliance on investments and incentives based upon imprudent energy policy, that alone should not enable them to proceed in violation of U.S. laws," said Dr. Stern.

The lawsuit requests that the Court vacate the project’s ITA, Record of Decision, and Construction and Operations Plan, and require the agencies to reanalyze the project in full compliance with the law.

Dr. Stern also points out that, “this lawsuit is relevant to the one that was recently filed by 17 States claiming no legal basis existed to halt the Empire Wind 1 Project because it provides substantive legal reasons to do so. The lawsuit is also pertinent to the Critical Habitat Petition that Save LBI filed on March 31, 2025 with the Secretaries of Commerce and Interior Departments to create a safe turbine-free corridor along the East Coast for the critically endangered North Atlantic right whale to migrate. The Empire Wind 1 project sits right in the recommended corridor, so this lawsuit would keep that corridor viable while the Agency reviews the petition.”