



Save Long Beach Island, Inc.

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

www.SaveLBI.org

FOR IMMEDIATE RELEASE

Contact:

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

Denise Boccia
Save LBI Board Member
deniseboccia88@gmail.com

Thomas Stavola Jr. Esq.
tstavolajr@stavolalaw.com
732-539-7244

Save LBI Notifies U.S. Department of Commerce of Intent to Sue for Failure to Protect Critically Endangered North Atlantic Right Whale

LONG BEACH ISLAND, NJ, August 12, 2026 —Save Long Beach Island (Save LBI), a grassroots organization dedicated to sound energy policies and preserving our shore and ocean environment, filed a Notice of Intent on August 9 to sue the U.S. Department of Commerce (DOC) for failure to protect the primary historical migration corridor of the critically endangered North Atlantic right whale (NARW).

The lawsuit will seek to compel the DOC to revisit and act positively on a 16-month-old Petition asking the National Oceanic and Atmospheric Administration (NOAA) to designate the whale's primary historic migration path a "critical habitat" to ensure its survival. DOC is the parent agency of NOAA.

NOAA denied the Petition on July 22, but only after Save LBI filed suit to compel the agency to follow the Endangered Species Act's 90-day review standard and act on the Petition, which it ignored for more than a year.

Beyond other legal flaws, NOAA's 90-day finding applies an erroneously heightened standard," said Thomas Stavola Jr. Esq., counsel for Save LBI. "Instead of fully considering the science cited by Save LBI, the agency simply dismisses it."

Save LBI Co-Founder and President Bob Stern issued the following statement:

The reasons provided by Commerce in its denial are simply not sound, leaving us deeply disappointed that the federal agency charged with protecting these animals refused to consider a "critical habitat" designation through a rule-making. The DOC's inaction leaves us no choice but to file suit in federal court to overturn its negative finding and require NOAA Fisheries to conduct the lawful, science-based review that the petition warrants.

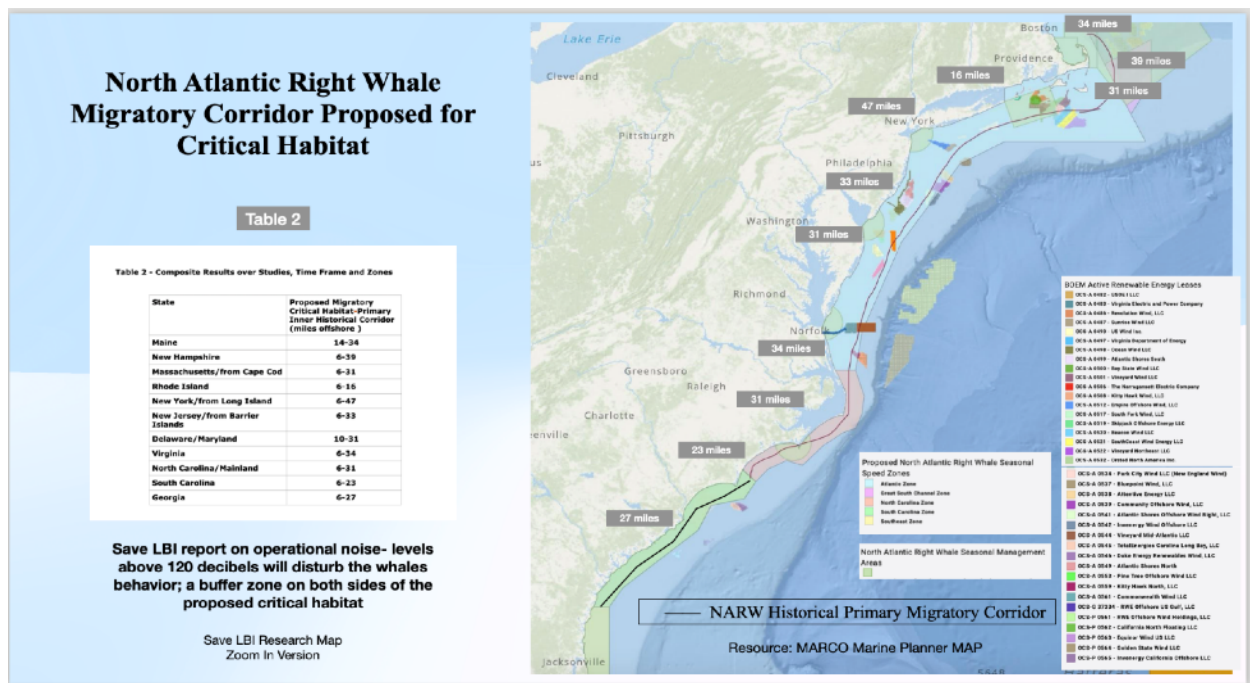
We are also perplexed because the [critical habitat] designation and the requirements for an analysis of the operational noise generated by offshore wind-energy complexes would likely deter the siting of such projects in the whale's primary migration corridor, which is consistent with the President's stated objections to them. We have written to the President, suggesting that he intervene and reverse the Commerce Department's denial.

The Petition

Save LBI filed the 232-page petition — *A Petition to Revise the Critical Habitat Designation for the North Atlantic Right Whale (*Eubalaena glacialis*) Under the Endangered Species Act* — on March 31, 2025. The Petition asks the DOC and NOAA Fisheries to consider designating a continuous East Coast migration corridor as "critical habitat" to protect the North Atlantic right whale under the Endangered Species Act (see map below).

"The North Atlantic right whale's survival depends upon the ecological connectivity of its entire annual life cycle," explained Denise Boccia, lead researcher for Save LBI. "The species does not exist as isolated populations occupying separate 'feeding,' 'migration,' and 'calving' areas; rather, these habitats function as an interconnected biological feature necessary to sustain the species."

The primary historic migration corridor designation the Petition calls for would require federal agencies to ensure actions they authorize, fund, or carry out are not likely to destroy or adversely modify the corridor, which is essential to the whale's migration and survival. It would, in effect, create a vital "missing link" between critical habitats that NOAA designated in 1994, and later expanded, to protect the right whale's feeding grounds off the coast of Maine (and New England) and its calving and nursery grounds off the coast of Georgia and South Carolina. No habitat protections currently exist between these areas in the far north and south, putting the whale's survival at great risk.



With a population estimated at around 380, the right whale is perilously close to extinction and faces numerous threats from offshore wind-turbine complexes up and down the East Coast.

The Petition also requests related action by the U.S. Department of the Interior (DOI) concerning offshore wind development within the proposed corridor. Save LBI is asking the department to require analysis of the underwater noise from the operation of any wind complexes within that corridor to ensure such projects do not block or impair the whale's essential migration.

The Petition is available here: <https://www.savelbi.org/marine-life-whales>.

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.

###