

SUBJECT: SUPPORT NEEDED to Protect the North Atlantic right whale.

Dear Supporters,

Save Long Beach Island (LBI) New Jersey, is initiating formal legal proceedings against the U.S. Department of Commerce and the National Oceanic and Atmospheric Administration (NOAA) to protect the essential migration corridor of the critically endangered North Atlantic right whale (NARW) along the East Coast.

Fewer than 350 of these whales remain. Each year, they migrate along the East Coast-traveling south in winter to calving grounds off Georgia and South Carolina, then returning north in spring to feed in New England waters. This migration is essential to their survival. Elevated underwater noise levels from the operation of large offshore wind turbine projects in that corridor will extend for miles across their path creating a noise barrier to a successful migration.

What We Have Done: On March 31, 2025, Save LBI submitted a detailed 232-page petition to the U.S. Department of Commerce, which oversees the NOAA, requesting that the whale's primary historic migration corridor be designated as "critical habitat" under the Endangered Species Act (ESA). Under the ESA, critical habitat includes areas essential to the conservation of a species. The petition contained extensive historical data defining the proposed corridor and calculations of the noise extending from a typical operating wind complex. By law, NOAA was required to respond to our petition within 90 days. It has now been more than 10 months. Despite follow-up letters, the agency has failed to act. We therefore must ask a federal court to compel NOAA to formally consider our petition.

The Objective: A positive designation would:

- Strengthen protections under the ESA by requiring analysis of whether federal approvals would result in "adverse modification" of the migration corridor habitat, and thereby
- Potentially restrict or prevent industrial turbine development within the corridor.

Such a designation would not affect private or state-sanctioned fishing or boating, or result in any new justification for federal fishing gear or vessel operating measures, because, while a wind turbine complex is large and noise-intrusive enough to adversely affect the miles-wide migration corridor itself, the presence of vessels, fishing or otherwise, do not.

Your Role, Community Co-Plaintiff with No Cost: To successfully challenge a federal agency, the court requires representation from individuals whose professional or personal lives are directly impacted by the health and presence of these marine mammals. If you,

- Participate in whale watching by boat (recreationally or commercially)

- Fish, boat, or recreate offshore and observe whales
- Regularly observe whales from the beach
- Photograph, study, or otherwise enjoy right whales or other marine mammals, or
- Participate in any whale stranding events ...you can be a co-plaintiff.

As a co-plaintiff, we would need only a brief written statement describing your interest in the protection of right whales and other marine mammals, and your activities (whether it be professional or just love watching whales). Save LBI volunteers and attorneys will do all the work and Save LBI will cover all litigation costs.

Take Action: If you personally, or know of others or other groups who engage in whale watching, recreationally or otherwise, from the beach, offshore, or in other whale-related activities-anywhere along the East Coast- and wish to be part of this landmark protection effort, or have questions, please contact: Denise Boccia through deniseboccia88@gmail.com.

Thank you for standing with us - and for standing up for one of the most endangered marine mammals on Earth. Together we can ensure the law is used for its intended purpose, the survival of a magnificent species.

Sincerely,
Bob Stern
917.952.5016