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Statement by Cindy Zipf, Executive Director
Congressional Hearing
An Examination into Offshore Wind Industrialization
Wildwood, NJ
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Thank you Representative Van Drew for holding this important meeting on offshore wind development in the region, and to Representatives Smith, Harris, and Perry. Having the participation of congressional leaders is most welcome to provide much needed attention to the recent unprecedented deaths of marine mammals and the ocean industrialization that is underway off the coast of New Jersey and New York, as well as from Massachusetts to South Carolina. And as astonishing as this is, it is only the beginning.

My name is Cindy Zipf and I am the Executive Director of Clean Ocean Action. Our name is our mission—advocating for a clean and healthy ocean with action as we have successfully done for nearly 40 years. Together with strong bi-partisan support and thousands of citizens we stopped ocean dumping, blocked many, many, many fossil fuel projects, and brought the ocean in this region back from the brink of collapse. Together, after hard work for decades with many people in the room and STRONG BI-PARTISIAN support -- including long time support from Representatives Van Drew and Smith, the ocean off the Jersey Shore is now thriving with marine life. And it must stay that way.

It is important to say from the outset, COA is not opposed to renewable energy, particularly on land where it is cheaper and less polluting to maintain. COA is open to the potential for some offshore wind, but only should a pilot scale project be proven successful, and the science is there to support industrial scale offshore wind power plants.

Make no mistake -- the living resources on the planet are in crisis.

Climate change is real, and COA concurs with the UN Environment Programme that calls for the reduction of Greenhouse gas emissions by 30% by 2030.¹ Reducing fossil fuels is critical toward reducing greenhouse gases, which is why COA has stood in partnership with citizens and

¹ [United Nations Report, "Nature's Dangerous Decline 'Unprecedented'; Species Extinction Rates 'Accelerating,' May 6, 2019, https://www.un.org/sustainabledevelopment/blog/2019/05/nature-decline-unprecedented-report/](https://www.un.org/sustainabledevelopment/blog/2019/05/nature-decline-unprecedented-report/)

bipartisan representatives for decades to thwart offshore oil and gas drilling, liquefied natural gas ports, and pipelines. Indeed, US Representatives Smith and Van Drew are leaders in this regard.

While some offshore wind may hold promise, federal and state levels have moved forward without public transparency, robust and sound science, or good governance. According to the National Marine Fisheries Service (NMFS), by 2030, offshore wind power plants in the Northeast will cover 2.4 million acres of seafloor with 3400 turbines requiring 10,000 miles of cables, with an additional 5.7 million acres under consideration for further development.² This is too much too fast.

Marine life is being placed at risk without scientific due diligence, monitoring and protection in order to ensure the ocean and marine life are sustained.

Indeed, the ocean and the coast will be vastly transformed and industrialized, and the public would likely still be in the dark if it wasn't for the outrageously grim and tragic record of whale and dolphin deaths. Since December 5, 2022, 12 whales have washed-up on the beaches of New Jersey and New York. These innocent, gentle giants -- Hope, Valentine, Windy, and so many others of multiple species -- are now buried on our beaches or dumped in a landfill.

Marine mammals are very important and protected under the Marine Mammal Protection Act and are revered by the public, as was evident by the nearly 1,000 people attending the recent World Whale Day rally in Point Pleasant, which was organized by concerned citizens Leslie Mangold and Trisha DeVoe.

Sadly, some whales are close to extinction. Most at risk is the North Atlantic Right Whale, which is on the brink, and the Endangered Species Act was enacted to protect these species. Under these laws, the government must protect marine mammals, which is why permission is needed to harass the wonderful and ecologically important animals. This permission is called "takes," which are issued by NMFS through "incidental harassment authorizations."

In fact, offshore wind has many threats to marine mammals, and the ocean. The NMFS says offshore wind can:

- Increase ocean noise, which could affect the behaviors of fish, whales, and other species,
- Introduce electro-magnetic fields that impact navigation, predator detection, communication, and the ability for fish and shellfish to find mates,
- Change existing habitats by altering local or regional hydrodynamics
- Create a "reef effect" where marine life cluster around the hard surfaces of wind developments,
- Impact organism life cycle stages, including larval dispersal and spawning,
- Change species composition, abundance, distribution, and survival rates,
- Increase vessel traffic, which could lead to more vessel strikes

² NOAA Fisheries, "Fisheries, Wildlife, & Ecosystem Science in a New Era of Offshore Wind Energy Development," Andy Lipsky, Jon Hare, Elizabeth Methratta, Chris Orphanides, Doug Christel, and Angela Silva, 3/9/22, <https://www.youtube.com/watch?v=Dh7yBEDHzL8>.

- Release contaminants that can be consumed or absorbed by marine life.³

The NMFS concludes with, “Offshore wind is a new use of our marine waters, requiring substantial scientific and regulatory review.”

COA agrees. So, where is this substantial review? Where is the commitment to the precautionary principle?

By whale #5 in January, COA was deeply concerned by the unprecedented whale deaths and began to investigate the possible cause. Kari Martin, COA’s Advocacy Campaign manager, totaled all of the marine mammal “takes” that were issued.

- In January 2022, an unprecedented 11 companies held Incidental Harassment Authorizations issued by the NMFS which allowed the harassment of a total of 63,820 marine mammals. These were all for what is called Level B “takes” which allows:
“the potential to disturb (but not injure) a marine mammal or marine mammal stock in the wild by disrupting behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.”

There are now 12 dead whales.... That we know of in less than 3 months.

It is important to note that these harassment numbers are only for the preconstruction activities for multiple offshore wind projects. The much louder construction activities that prompt the more severe Level A takes and higher numbers of impacted marine mammals are next. In fact, four companies’ harassment authorizations for construction activities are already currently pending as projects hastily move forward. Where are the response plans? Where is the evidence that the agencies are “substantially” monitoring to address the increased activities expected with massive industrialization? For example, reporting requirements for IHAs are out of sync with meaningful mitigation or the protection of marine life.

Given that these deaths, including from ship strikes, could be plausibly caused by the survey work, COA, with support from additional groups, called on President Biden to conduct a transparent and independent scientific investigation.

While there is much in the media of the agencies insisting there is no connection between offshore wind and these deaths, given the list just read of how significant the potential is for harm, why wouldn’t it be plausible? Where is the evidence to prove there is no connection? Agencies also point to an Unusual Mortality Event which, coincidentally is for vessel strikes, and has been in place since 2016. Noting that, since 2016, NJ been averaging only **3 whale deaths per year**.

COA has evidence that there were at least 6 survey vessels within close proximity of each other, at the same time, off Atlantic and Cape May Counties conducting sonar and/or other geotechnical activities. What are the cumulative impacts of all of this activity? Since December,

³ NOAA Fisheries, “Offshore Wind Energy: Protecting Marine Life,” as seen 3/14/2023, <https://www.fisheries.noaa.gov/topic/offshore-wind-energy/protecting-marine-life>

offshore wind surveying, which conducts intense back and forth and erratic activity, has *increased* while large commerce shipping activity has *decreased*, as much as 20 percent.

Why is there an immediate rejection and defensive response to offshore wind as a probable cause? There does not appear to be any in-depth federal assessment. There is more research to be done to learn and reduce harm to whales.

Clean Ocean Action is currently conducting additional investigation. However, access to key public information is limited; this includes the Automatic Identification System (AIS) data for all ships engaged in offshore wind activities, reports from survey boats, necropsy reports, and , and It would helpful if COA could obtain these resources at the earliest to work to prevent future tragedies like these.

There is now strong support for action and concern for the ocean. Launched on World Whale Day, now over 290,000 people have signed COA's petition for an investigation into these marine mammal deaths.

It seems our government is, as best, putting the cart before the horse, and wants to see offshore wind while wearing only "green colored" glasses.

Our ocean deserves better.

Thank you.