Clean Ocean Action
49 Avenel Blvd.
Long Branch, NJ 07740
Info@cleanoceanaction.org
732-872-0111

July 3, 2024

Attn: Jolie Harrison, Chief
Permits and Conservation Division, Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway, F/PR1 Room 13805
Silver Spring, MD 20910
Submitted via email

Re: Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Site Characterization Surveys Offshore from Massachusetts to New Jersey for Vineyard Northeast, LLC, Docket No. RTID 0648-XD978

Dear Ms. Harrison:

Clean Ocean Action (COA) is a regional, nonpartisan environmental organization with a mission to improve the water quality of the marine waters off the New Jersey/New York coast. COA has been actively following offshore wind development in the New York/New Jersey Bight for almost two decades. Over the past several years, COA has engaged with the National Marine Fisheries Service (NMFS) and other state and federal agencies regarding offshore wind development, including the 2023 Incidental Harassment Authorization (IHA) currently proposed for renewal.[1] Rather than restate those comments, we incorporate them by reference and reaffirm our call to the agency to stop issuing IHAs until a comprehensive independent study conclusively determines that offshore wind activities are not the cause of the heightened marine mammal deaths in the region.

The IHA request, if approved, would authorize the "takes" of 9,321 marine mammals from nineteen (19) species by "Level B harassment" over the course of one year, with the possibility of a one-year renewal for the IHA.[2] According to the Public Notice, "Underwater sound,

[1] *E.g.* Clean Ocean Action, Comments re Incidental Take Authorization: Vineyard Wind Northeast, LLC's Marine Site Characterization Surveys off New Jersey and New York (2023) for Vineyard Wind Northeast and Vineyard Wind Mid-Atlantic Offshore Wind Projects, Docket No. RTID 0648-XD03 (July 21, 2023); Clean Ocean Action, Comments re Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Site Characterization Surveys in the Outer Continental Shelf Lease Areas OCS-A 0486, 0487, and 0500 (Sept. 26, 2023); Clean Ocean Action, Comments re Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Site Characterization Surveys Off New York, New Jersey, Delaware, and Maryland (Feb. 5, 2024).

[2] Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Site Characterization Surveys Offshore From Massachusetts to New Jersey for Vineyard Northeast, LLC, 89 FR 51501

resulting from Vineyard Northeast's activities, has the potential to result in incidental take of marine mammals in the form of Level B harassment only".[3] Clean Ocean Action has concerns about the impacts, especially cumulative, of the numerous and concurrent incidental take authorizations being requested, reviewed, and issued for offshore wind preconstruction and construction activities off the New York and New Jersey coast, as well as the entire East Coast of the United States.

COA submits the following comments in response to the proposed IHA for Vineyard Northeast, LLC ("Vineyard Northeast") to conduct marine site characterization surveys on the Outer Continental Shelf in federal offshore Lease Areas OCS-A 0522 and OCS-A 0544, and the associated offshore export cable corridor routes.

I. Categorical Exclusion & Cumulative Impacts

In the notice for the proposed IHA, NMFS states that it is using Categorical Exclusion B4 of its Companion Manual for the National Oceanic and Atmospheric Administration's Administrative Order 216-6A, excluding incidental take authorizations with no anticipated serious injury or mortality from subsequent NEPA analysis.[4] No further National Environmental Policy Act (NEPA) analysis is anticipated, though this is only a preliminary determination.[5]

The Companion Manual states that a categorical exclusion may only be applied when no extraordinary circumstances apply and lists several extraordinary circumstances including "environmental effects that are uncertain, unique, or unknown; or the potential for significant cumulative impacts when the proposed action is combined with other past, present and reasonably foreseeable future actions, even though the impacts of the proposed action may not be significant by themselves."[6]

NMFS does not provide a justification in the IHA proposal for its claim that this IHA does not cumulatively have the potential for significant impacts on the quality of the environment.[7] In the New York Bight since 2015, a total of 658,183 takes have been authorized by IHAs, 1,672 by Level A harassment and 656,511 by Level B harassment.[8] At the time of writing, there are thirteen (13) separate IHAs either in progress or active in Massachusetts, Rhode Island, New York, and New Jersey.[9] The offshore wind development proposed in recent years, particularly

---

(June 18, 2024), https://www.federalregister.gov/documents/2024/06/18/2024-13328/takes-of-marine-mammals-incidental-to-specified-activities-taking-marine-mammals-incidental-to-site

[3] See *id*. at 51503.

[4] *Id.*

[5] *See id.*

[6] Nat'l Oceanic & Atmospheric Admin., Policy & Procedures for Compliance with the National Environmental Policy Act and Related Authorities (effective Jan. 13, 2017), https://www.noaa.gov/sites/default/files/2021-10/NOAA-NAO-216-6A-Companion-Manual-03012018%20%281%29.pdf.

[7] 89 FR 51501, 51503.

[8] *See, e.g.*, NOAA FISHERIES, *Incidental Take Authorizations for Other Energy Activities (Renewable/LNG)*, https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable (last updated June 25, 2024).

[9] *Id.* (SouthCoast Wind, LLC's Construction of the SouthCoast Wind Offshore Wind Project; Renewal of Vineyard Northeast, LLC 's Marine Site Characterization Survey from Massachusetts to New Jersey; Orsted Wind Power North America, LLC's Site Characterization Surveys off Delaware; Vineyard Wind 1 LLC's Construction of the

during the Biden Administration, is part of a federal and state governmental effort to increase domestic offshore wind generation according to targets and mandates.[10] Therefore, surveying and construction for multiple projects around the same time and location[11] is completely foreseeable; indeed, many surveying projects are already occurring.

NMFS also provides no justification as to why it believes no extraordinary circumstances apply.[12] Due to the uncertainty of the impacts and the number of projects that are reasonably certain to occur in similar timeframes and geographic areas, the categorical exclusion should not apply, meaning NMFS should be required to conduct further NEPA analysis for the project, considering the cumulative effects of the proposed IHA relative to other authorized takes in the area.

II. Multiple Renewals

Further, the currently proposed IHA would be Vineyard Northeast's third consecutive IHA for the same project activities; the original IHA was granted on July 27, 2022, and the proposed IHA would extend until 2025.[13] Given this history, it is unrealistic and unreasonable to expect that survey activities will actually cease after only one more year.

Vineyard Northeast is not the only developer that has received multiple consecutive approvals; for example, similar surveying activities by Atlantic Shores Offshore Wind, LLC have been approved in this region since 2020, either by one-time renewals or in the form of new IHAs.[14] In circumstances such as these, when it is not clear how long the proposed activities would span given past delays, a Letter of Authorization (LOA) would be more appropriate. NMFS

Vineyard Wind Offshore Wind Project off of Massachusetts (Phase 2); Atlantic Shores Offshore Wind, LLC's Construction of the Atlantic Shores Offshore Wind Energy Projects; Avangrid Renewables, LLC's Construction of the New England Wind Offshore Wind Farm Project off of Massachusetts; Sunrise Wind, LLC's Construction and Operation of the Sunrise Wind Offshore Wind Farm off of New York; Revolution Wind, LLC Construction of the Revolution Wind Energy Facility off of Rhode Island; Atlantic Shores Offshore Wind, LLC's marine site characterization surveys off of New York, New Jersey, Delaware, and Maryland; Renewal of Bluepoint Wind, LLC's Marine Site Characterization Surveys off of New York and New Jersey in the New York Bight; Invenergy Wind Offshore, LLC's site characterization surveys off New Jersey and New York; Reissuance of Park City Wind Marine Site Characterization Surveys off of Massachusetts to New York; Renewal of Orsted Wind Power North America, LLC Marine Site Characterization Surveys off of New York to Massachusetts; TerraSond Limited Marine Site Characterization Surveys in the New York Bight and Central Atlantic Call Area).

[10] The White House, FACT SHEET: Biden Administration Jumpstarts Offshore Wind Energy Projects to Create Jobs (Mar. 29, 2021), https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/29/fact-sheet-biden-administration-jumpstarts-offshore-wind-energy-projects-to-create-jobs/; N.J. Exec. Order No. 307 (Sept. 21, 2022); N.Y. Climate Leadership & Community Protection Act (L. 2019, ch. 106).

[11] *See* BUR. OCEAN ENERGY MGMT., *Offshore Renewable Activities*, https://www.boem.gov/renewable-energy/offshore-renewable-activities (last visited June 26, 2024).

[12] 89 FR 51501, 51503.

[13] *See id.*

[14] Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Site Characterization Off of New York and New Jersey, 85 FR 21198 (Apr. 16, 2020); Taking Marine Mammals Incidental to Marine Site Characterization Off of New York and New Jersey, 86 FR 21289 (Apr. 22, 2021); Taking Marine Mammals Incidental to Marine Site Characterization Off New Jersey and New York for Atlantic Shores Offshore Wind, LLC, 87 FR 24103 (Apr. 20, 2022); 87 FR 50293, August 10, 2022; 88 FR 38821, June 9, 2023; 88 FR 54575, August 10, 2023

recommends that agencies apply for LOAs rather than IHAs when the proposed activities are expected to last longer than one year.[15]

III. North Atlantic Right Whales (NARW)

COA maintains our objection to allowing takes of NARW due to the species' fragile status. Although no serious injury or mortality is proposed to be authorized in this instance, even Level B harassment could, by definition, affect migration, breathing, nursing, breeding, feeding, or sheltering.[16] Noise disturbances to NARW could increase the species' stress levels, according to information on NOAA's website.[17] NMFS proposes to require a 500-meter distance between vessels, equipment, and NARW and all other federally endangered marine mammals, but the agency is still being realistic in assuming that the mitigation measure will not be able to completely prevent animals from experiencing Level B harassment.[18]

COA believes that preserving the existence of the NARW warrants pausing offshore development off the Atlantic coast, but NMFS is only required to ensure that small numbers of individuals are taken that will have a negligible impact on the stock.[19] As discussed in Section I, NMFS should consider cumulative impacts, including the total number, speed, and distance of vessel trips for preconstruction and construction activities for all the concurrent projects in the region, and adjust the permitted activities accordingly.

IV. Conclusion

For the above reasons, NMFS should reject Vineyard Northeast's application to renew its IHA. In addition, NMFS should work with other agencies to produce or commission an independent study about marine mammal mortality on the east coast. In New Jersey and New York, 58 whales and 142 dolphins or porpoises have stranded since December 2022.[20] It is both reasonable and responsible to conduct further investigation into the cause of these deaths and refrain from issuing IHAs until the agency can definitively determine the cause(s).

Respectfully submitted,

Cindy Zipf
Executive Director
Clean Ocean Action

Erika Bosack, Esq.
Policy Attorney
Clean Ocean Action

---

[15] NOAA FISHERIES, *Incidental Authorizations Under the Marine Mammal Protection Act*, https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act (last visited June 26, 2024).
[16] 16 U.S.C. § 1362(18).
[17] NOAA FISHERIES, *North Atlantic Right Whale*, https://www.fisheries.noaa.gov/species/north-atlantic-right-whale (last visited Feb. 2, 2024).
[18] 89 FR 151501, 51505.
[19] 16 U.S.C. § 1371(a)(5)(A)(i).
[20] Nat'l Oceanic & Atmospheric Admin., Marine Mammal Health & Stranding Response Program Nat'l Stranding & Response Prog., National Stranding Database (received May 20, 2024) (supplemented with verified volunteer/local news reports, on file with Clean Ocean Action).

ITP Taylor - NOAA Service Account <itp.taylor@noaa.gov>

OSW Lease renewal 7/2/24...Feeney

1 message

Marybeth Petroski <marybethpetroski@gmail.com> Tue, Jul 2, 2024 at 7:51 PM
To: itp.taylor@noaa.gov

I am writing in again to submit my public comments in regards to Lease Permit areas being possibly renewed. As I have stated in the past, these projects are nothing short of a diaster in the making. For us, the citizens of every Coastal town on the East Coast.and for our our Ocean. These poor marine mammals are literally being slaughtered. Upwards of 128 dead whales in 18 months. 128. Too many Dolphins, Porpoises and Turtles to count. Our tourism that will die along with our destroyed property values. This project has no good qualities and is completely unstudied. It is not a green solution these Turbines run on Fossil fuels as this office full well knows. There are a multitude of solutions, this is not it. The selling off of our ocean to foreign energy that doesn't work and will increase ratepayer rates while destroying everything in its path is the worst possible idea, ever. Not to mention the threat to National Security. This office continues to to be in lockstep with the current administration's unyielding push for it would seem destroying our Ocean to save energy. I cannot emphasize enough that these leases, these permits and these renewals should not even be a consideration. Please do your job. Protect our Ocean. I have read all the EIS and the studies. I have been to the meetings and protests and town halls. These projects can not go any further especially with that diasterous ship being built in Texas to build OSW at will. Since right now somehow, these foreign companies are skirting the Jones Act. We will have no Ocean, no Seafood, no anything if these projects continue to be allowed. Please do not allow this to continue. Respectfully. MaryBeth Feeney.

itp.taylor@noaa.gov. https://www.fisheries.noaa.gov/action/incidental-take-authorization-vineyard-northeast-llcs-marine-site-characterization-survey

Vineyard Northeast, LLC's Marine Site Characterization Survey from Massachusetts to New Jersey

Attn: Jolie Harrison, Chief, Permits and Conservation Division

I expand upon my earlier comment in opposition to the renewal of harassment authorizations incidental to "Vineyard Northeast, LLC's Marine Site Characterization Survey from Massachusetts to New Jersey."

The building of hundreds of turbines in a migratory corridor will result in adverse modification of critical habitat. Authorization of each step in a chain of steps to build hundreds of turbines in a migratory corridor is a violation of the Endangered Species Act. IT IS ADVERSE MODIFICATION OF CRITICAL HABITAT.

Vineyard Wind is not ecologically independent of the surrounding areas. Its impact is not small or temporary when taken in context of time, repetition and scale.

Both NARW and the Humpback are experiencing "Unusual Mortality Event." A UME is defined as "a stranding that is unexpected; involves a significant die-off of any marine mammal population; and demands an immediate response." (16 U.S.C. 1421h(6)) A site characterization survey is the absolute wrong response!

> Section 7(a)(2) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat.

In addition to interfering with migration, these wind turbines will kill more than marine mammals, including migratory birds, bats, fish, horseshoe crabs, turtles and more – damaging the interdependence of species within the environment.

To comprehend the extent of ecosystem effects of Offshore Wind on the environment, you need look no further than NOAA's Synthesis of Science, Executive Summary, Ecosystem Effects, Major Gaps in our Knowledge and Research Priorities. Ecosystem impacts include, EMF, Light, Noise, Vibration, Pressure, Sedimentation, Temperature. https://repository.library.noaa.gov/view/noaa/49151

This site characterization renewal authorization violates the Endangered Species Act. *Why?* **Because the impact on the ecology is extraordinary**. **Species cannot simply move to another location; all species within an eco-system are inter-dependent.** Renewables should never be sited in **a migratory corridor when endangered species who depend upon that corridor are experiencing a UME.**

Let's begin with NARW,

Anthropogenic mortalities and stresses must be reduced. The following Case Study was presented at 2021 Workshop on Climate Change, to the International Whaling Commission, **click** here.

> **6.4 Case studies 6.4.1 North Atlantic Right Whales** Corkeron presented information on North Atlantic right whales Eubalaena glacialis, (NARW) and climate change: what lessons can we learn? North Atlantic right whales are an exemplar of the challenges facing large whale conservation in the face of climate disruption. Their slow, intermittent recovery from centuries of commercial whaling stuttered to a halt in 2010, when the species' abundance peaked at a little under 500 individuals (Pace et al., 2017). NARW numbers have declined since then, to around 336. The primary causes of the decline are twofold: anthropogenic mortality, from entanglement in fishing gear and vessel strikes; and poor reproductive output, for reasons that remain less well established but include the effects of entanglement, and changes in the distribution and abundance of the whales' prey, Calanus finmarchicus. Record et al. (2019) and Meyer-Gutbrod et al. (2021) clearly outline the manner in which climate disruption has had a significant role in this disaster
>
> Work on NARW demonstrates how many of the projected concerns raised in other presentations at this workshop play out in real life once whales are impacted by climate disruption. Anthropogenic perturbation of the ocean is ubiquitous, so wherever whales move to, they will encounter new anthropogenic threats. In the case of NARW, it has taken too much time to: (1) recognize that their movement ecology has been altered; (2) locate their new habitats; (3) assess the manner in which these habitats are subject to anthropogenic perturbation; (4) identify key threatening process; and (5) take management action in a manner that is appropriate and effective in addressing these threats. Current scientific and management processes are demonstrably inadequate (NARW are still declining in abundance) to address their climate-driven changes in movement and foraging ecology. A new paradigm, that moves beyond the post-hoc approach of attempting to understand a problem long after it has occurred, is required for those cetacean species that occur at low abundance, and arguably, for all. NARW demonstrate that management for resilience, rather than management for immediate sustainability, is the required paradigm shift. The workshop noted that the issue of the NARW showed that there was a need to respond to situations in a rapid dynamic way. There was a need to move away from thinking that the ocean was "the wild" and animals could simply move from one industrialised area to another. Animals may also be more vulnerable than before when moving to a new area. The workshop therefore made the following statement.
>
> Attn: GC, G The workshop noted with concern that aspects of the movement, ecology and life history of the Critically Endangered North Atlantic Right whale have changed in response to ecosystem perturbations brought on by climate disruption. This means that more anthropogenic stressors are now impacting this species, which is in significant decline more. The workshop therefore called the for relevant authorities to react more quickly and effectively to reduce anthropogenic impacts in response to these changes

The quote below from the renewal authorization illustrates the outdated thinking that is highlighted in the Case Study. Vulnerable migratory animals cannot "simply move from one industrialized area to another" to get out of our way.

> As noted for the 2023 IHA (88 FR 50117, August 1, 2023), the proposed survey area overlaps a migratory corridor BIA and migratory route SMAs (Port of New Jersey/New York and Block Island) for North Atlantic right whales. As the survey activities would be temporary and the spatial acoustic footprint produced by the survey would be very small relative to the spatial extent of the available migratory habitat in the BIA (269,448 km^2). NMFS does not expect North Atlantic right whale migration to be impacted by the survey.

NOAA's North Atlantic Right Whale Updates (2022, 2023, 2024) demonstrate the rise in death and serious injury over the last 3 years. Human activities are killing these whales. More stress, more industrial degradation of their ecosystem, will surely accelerate extinction.
https://www.fisheries.noaa.gov/national/endangered-species-conservation/north-atlantic-right-whale-updates

The USA will be the first country to block migrating endangered whales from their route in a whale superhighway. Deaths may appear as poor health or vessel strikes or unexplained stranding but the primary cause is ecosystem degradation.

The deaths from blocked migration in a whale superhighway have hardly begun.

Let's look at Humpbacks Migration,

Humpback migratory behavior is amazing for its precision. "Amazing Navigation Skills Seen in Humpback Whales." https://www.livescience.com/13793-humpback-whales-precise-migration-mystery.html

> "The giants that migrate farther than any other mammal on Earth, humpback whales, do so with mysterious, extraordinary accuracy, veering off course by less than 1 degree over hundreds of miles, scientists find."
>
> Although animals are known to figure out direction over long distances from the Earth's magnetic field or position of the sun, the study concludes this alone does not explain the Humpback's amazing precision, "We have a reasonable handle now on what they are doing, but very little information on how they are doing it."

High Site Fidelity: What happens when a humpback whale is displaced from its migratory route? This was addressed in one of the earliest NOAA authorizations, "Avoidance of overlap between disturbing noise and areas and/or times of particular importance for sensitive species may be critical to avoiding population-level impacts because (particularly for animals with high site fidelity) there may be a strong motivation to remain in the area despite negative impacts. Forney et al. (2017) stated that, for these animals, remaining in a disturbed area may reflect a lack of alternatives rather than a lack of effects.
https://www.federalregister.gov/d/2023-02497/p-181

Humpbacks may choose to tolerate harm rather than abandon their familiar habitat.

A recent September 2023 article describes Humpback whale migratory behavior,

> Understanding the migratory patterns of large whales is of conservation importance, especially in identifying threats to specific populations. Migration ecology, including migratory destinations, movements and site fidelity for humpback whales (*Megaptera novaeangliae*) remain poorly studied in parts of the range of the Central America population, considered endangered under the United States Endangered Species Act. https://www.nature.com/articles/s41598-023-41923-7

Humpbacks are divided into 14 distinct populations. The population of the East Coast is estimated around 1,400. https://www.fisheries.noaa.gov/resource/map/humpback-whale-distinct-population-segments-identification-map

From 2016-June 2024, there have been 224 Humpback Whale deaths, with peaks in Massachusetts, New York, New Jersey and Virginia. Is it a coincidence that Offshore Wind surveying began in 2016, and these are the locations being developed for Offshore Wind? https://www.fisheries.noaa.gov/national/marine-life-distress/2016-2024-humpback-whale-unusual- event-along-atlantic-coast mortality-

There were 3 Humpback deaths in June 2024, two in Maine and one in RI.

- Dead humpback whale tangled in fishing gear pulled from Casco Bay (pressherald.com)
- Whale found dead off Harpswell was a humpback
- Humpback whale washes up on Block Island

Although about 40% of the whale deaths are attributed to boat strikes and entanglements, that leaves 60% with unknown cause. Ocean noise is a likely an underlying cause but autopsy of the ear cavity must be done immediately with special equipment, and I have seen no such results to rule that out.

One thing is certain - the cumulative effect of offshore wind industrialization will interfere with Humpback migration and compound their difficulties like never before.

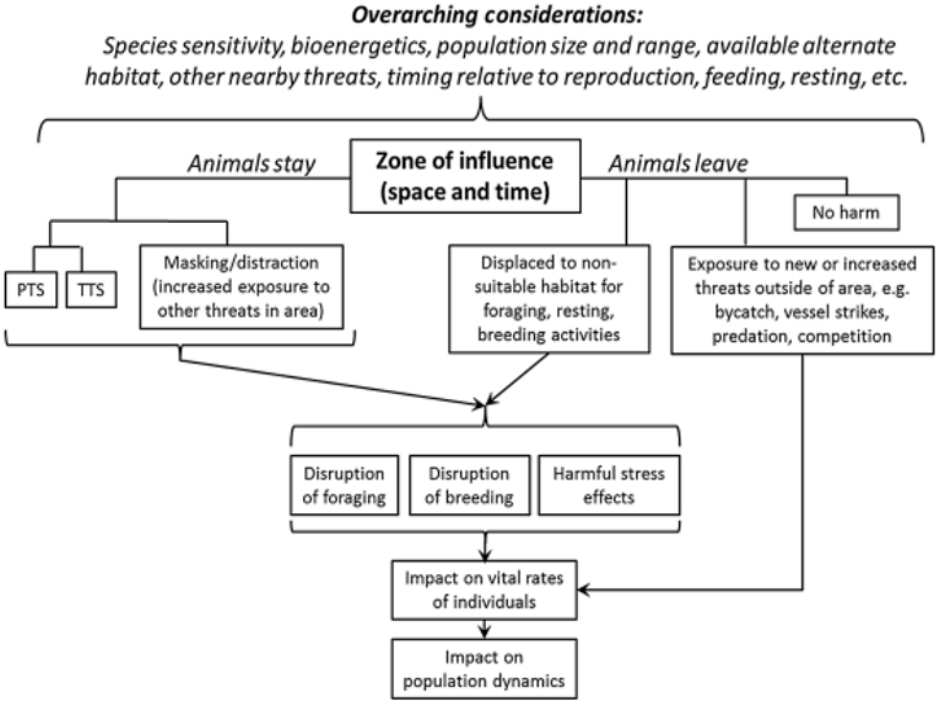

Fig. 6. Expanded framework for assessing potential impacts of anthropogenic activities on marine mammals. For small marine mammal populations with high site fidelity, the pathways at the right of the figure are, in many cases, the principle source of harm. Although data are limited for many of these pathways, they can nonetheless be assessed conceptually based on basic biological principles or qualitative considerations. If mechanisms of harm are conceptually plausible (e.g. bycatch in nearby areas, loss of foraging habitat), then they cannot be ignored in assessments of potential impacts. PTS: permanent threshold shift; TTS: temporary threshold shift. See Box 1 for examples of overarching considerations

CONCLUSION

The "Illusion of a Green Energy World" explains 3 rules of ecology:

1. Bio-diversity,

2. Inter-dependence and

3. Finite Resources.

The construction of turbines in a migratory corridor breaks the rules.

> Living on this planet requires living within the confines of the laws of ecology. The first law is the law of diversity. This means that the strength and health of an ecosystem is dependent upon the diversity of plants and animals within the ecosystem. The second law of ecology is the law of interdependence meaning that all species within an eco-system are interdependent. The third law of ecology is that of finite resources meaning there are limits to growth because there are limits to carrying capacities within ecosystems and when one species like us takes resources from other species this translates into diminishment of both diversity and interdependence, and this results in ecological collapse.

I consider each new death to be new information.

> **In June alone,** 125 dolphins beached on Cape Cod; very unusual; at least 10 died. There were also these deaths: Bottlenose Dolphin, Cape May NJ; Common Dolphin, Ocean City, NJ; Bottlenose Dolphin, Middle Township, NJ; Beaked Whale, Spring Lake, NJ; Sturgeon (endangered) Belmar, NJ; Dolphin, East Beach, VA.
>
> Below is a list of 2024 strandings:
>
> 2024 Whale Deaths As reported by HT @USAStrandings, East Coast
> #MarineLife Deaths in 2024. YTD through June 29th:
> ➡39 Dead Whales/Whale Remains
> ➡75 Dead Dolphins (inc 10 in Wellfleet MA on 6-28)
> ➡6 Dead Harbor Porpoises
> ➡4 Dead Seals
> ➡1 Dead Sea Turtle
> x.com/UsaStrandings/...

Death is coming at these whales from all angles. Please stop any new risks because we don't have control over existing risks. I saw in the news that Congress is proposing a bill to block NOAA's proposed speed limits for the North Atlantic Right Whale until 2030. This reminds me of Senator Schumer and Collins including a delay in an Omnibus bill to delay until 2028 federal court requirements relating to Maine fishing gear entanglements. When will we ever learn? I attached to my email summary document of NOAA's North Atlantic Right Whale Updates to quickly grasp the circumstances.
https://www.fisheries.noaa.gov/national/endangered-species-conservation/north-atlantic-right-whale-updates

The extraordinary transformation of a natural migratory corridor into hundreds of industrial wind sites, coupled with permanent noise, EMF cables, pollutants that leak oils, raise water temperature, fiberglass shedding, storms that could bounce ships *or whales* against metal structures, and increased vessel traffic will affect the food chain, from plankton at its base, to the whales at the top. The statement that no "extraordinary circumstances" have been identified is just unbelievable. The entire situation is an extraordinary experiment.

> This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental take authorizations with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216-6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS determined that the issuance of the initial IHA qualified to be categorically excluded from further NEPA review. NMFS has preliminarily determined that the application of this categorical exclusion remains appropriate for this renewal IHA. https://www.federalregister.gov/d/2024-13328

Note the 2024 take numbers of 12 for NARW and 12 for Humpback just for this one renewal authorization. Fin whale is 20 takes and Minke Whale is 45. High numbers for one site renewal.

Table 1—Proposed Number of Takes by Level B Harassment by Species and Stock and Percent of Take by Stock

Species	Scientific name	Stock	Abundance	2023 IHA authorized take	2024 proposed renewal IHA	
					Take proposed for authorization [1]	Max percent population
Blue whale	*Balaenoptera musculus*	Western North Atlantic	402	1	1	0.25
North Atlantic right whale	*Eubalaena glacialis*	Western North Atlantic	340	12	12	3.52
Humpback whale	*Megaptera novaeangliae*	Gulf of Maine	1,396	12	12	0.86
Fin whale	*Balaenoptera physalus*	Western North Atlantic	6,802	20	20	0.29
Sei whale	*Balaenoptera borealis*	Nova Scotia	6,292	5	5	0.08
Minke whale	*Balaenoptera acutorostrata*	Canadian Eastern Coastal	21,968	46	45	0.21
Sperm whale	*Physeter macrocephalus*	North Atlantic	5,895	2	2	0.03
Long-finned pilot whale [1]	*Globicephala melas*	Western North Atlantic	39,215	17	17	0.04
Killer whale [2] [3]	*Orcinus orca*	Western North	UNK	4	4	[4] 5.97

https://www.federalregister.gov/documents/2024/06/18/2024-13328/takes-of-marine-mammals-incidental-to-specified-activities-taking-marine-mammals-incidental-to-site

New Information - State of the World Migratory Species February 2024 https://www.cms.int/sites/default/files/publication/State%20of%20the%20Worlds%20Migratory%20Species%20report_E.pdf

Dead whale washes up on Pismo Beach amid offshore sonar use May 14, 2024 https://calcoastnews.com/2024/05/dead-whale-washes-up-on-pismo-beach-amid-offshore-sonar-use/

Twisting in the wind: It can take months to clean up turbines damaged in storms June 20, 2024
https://www.thegazette.com/energy/twisting-in-the-wind-it-can-take-months-to-clean-up-turbines-damaged-in-storms/

Wind Turbines Pose Environmental Risks/June 11, 2024 https://www.newportthisweek.com/articles/wind-turbines-pose-environmental-risks/?fbclid=IwAR1_2WI48NqRsETQsesvld68oqFAV7vs9XGUCtalotEdp3QThxyCiyFGk5s

And one earlier Whistleblower article that should not be put away,
https://saverightwhales.org/media/open-letter-offshore-wind-will-drive-whales-to-extinction

ITP Taylor - NOAA Service Account <itp.taylor@noaa.gov>

Wind power

Fred Soper <fsoper@comcast.net> Mon, Jun 17, 2024 at 12:06 PM
To: ITP Taylor - NOAA Service Account <itp.taylor@noaa.gov>

I am against any wind power in our oceans

NOAA should be protecting the whales not letting them be killed for money

Thank you,
Fred Soper
Buterick Bulkheading
609-597-8426
Sent from my iPhone

On Jun 17, 2024, at 11:21 AM, ITP Taylor - NOAA Service Account <itp.taylor@noaa.gov> wrote:

[Quoted text hidden]