

Date: July 8, 2024

Distribution:

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<p>Green Acres Program New Jersey Department of Environmental Protection Office of Transactions and Public Land Administration Public Land Compliance Section 401 East State Street, 7th Floor Mail Code 401-07 P.O. Box 420 Trenton, NJ 08625-0420 PublicLandCompliance@dep.nj.gov</p>	<p>Janet L. Stewart Bureau Chief New Jersey Department of Environmental Protection Bureau of Coastal Permitting, Division of Land Resource Protection Watershed & Land Management Program Mail Code 501-02A P.O. Box 420 Trenton, NJ 08625 OffshoreWindComments@dep.nj.gov</p>

From: Defend Brigantine Beach, INC and Downbeach
P.O. Box 562, Brigantine, NJ 08203
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Defend Brigantine Beach, INC is a nonprofit, nonpartisan organization representing thousands of citizens who are invested in the wellbeing of the New Jersey coastal communities and ocean off the New Jersey Coast. The organization believes in responsible green energy solutions to fight climate change and our mission is to educate the public on the benefits and costs of the solutions. We are defending shore communities from the offshore wind projects which we believe will devastate our beach experiences, local economies, and the local marine environment, while significantly raising our utility rates. We respectfully submit these comments and questions for the Atlantic Shores application to the NJ Department of Environmental Projection for the diversion of portions of certain Green Acres encumbered parcels owned by Atlantic City.

In addition to our comments presented below, we want to put on the record that Defend Brigantine Beach Inc, and Downbeach agrees with and supports the public comments submitted

by Sherri Lilienfeld and Anne Zaneski who are involved in our organization. We are effectively incorporating their comments into our public comments. Lastly, we stand by the public comments we submitted on August 10, 2023 for the prior Atlantic Shores Green Acres Diversion application.

Sincerely,

President: Kate Finnegan
Vice President: Lisa Daidone
Treasurer: Suzanne Moore
Secretary: Tom Jones
Trustee: Cindy Pekarick
Downbeach Representative: Sherri Lilienfeld

Public Comments for Green Acres Diversion in Atlantic City for the Atlantic Shores Project

The Energy Institute just released a report called The Statistical Review of World Energy. The authors of the report state that in 2023 global fossil fuel consumption was higher than ever. Fossil fuel consumption continues to grow each year even though trillions of dollars have been spent on “green energy”.

The world produces 36 billion metric tons of manmade CO2 per year. Asia produces 60% of total CO2. The Atlantic Shores South Project represents 1.5 GW of the New Jersey’s total goal of 11 GW of offshore wind. The entire 11 GW of offshore wind will only reduce global emissions by 6 hundredth of a percent. This is hardly a benefit based on the ecological and economic damage the projects will cause, especially to the coastal towns including Atlantic City.

Meanwhile,

- New Jersey is 41 out of 51 States in energy consumption per capita which is in the bottom 20%.
- From 1970 to 2021, New Jersey lowered its carbon dioxide emissions by 47%, 6th highest reduction in the country. (US Energy Information Administration Website)
- Atlantic County has one of the lowest pollution levels in New Jersey.

Atlantic Shores LLC which is 50% owned by Shell Oil Company is going to destroy our ocean, our beaches and neighborhoods adding pollution, dust, noise and vibrations to the communities and especially in Atlantic City.

Atlantic Shores developers boast about the jobs they will bring to New Jersey. We prepared an analysis of the jobs data presented in the Atlantic Shore’s South FEIS and Atlantic Shores North COP, which includes 357, 1040 ft. wind turbines in our ocean starting 9 miles of the beach along with substations and miles of cabling for a total

capacity of 3.8 GW, but because of the offshore wind's intermittency problem will only produce 1.5 GW of energy along with being unreliable based on uncontrollable wind activity that does not match demand patterns.

Based on Atlantic Shores' own information for both Atlantic Shores South and North projects, total direct jobs over the life of the projects will average 1,007 per year. This is the total for the entire state of New Jersey. We noticed on the NJDEP permit applications, there were only enough parking spaces for 98 operation and maintenance employees planned for the Belmont Ave parking lot in Atlantic City. There were no parking spaces planned for the actual maintenance building next to Farley Marina as according to the permit document for the building, the maintenance employees will drive to the Belmont Ave. parking lot and take an electric bus to the maintenance building. An employee parking lot for 98 employees is a telling example of what the true job impact will be for Atlantic City. For Atlantic Shores South, Project 1, the total direct economic impact averages only \$20 million per year over the life of the project.

Meanwhile based on actual OREC bids and projected bid amounts for the entire 11 GW of offshore wind, our energy bills will double even with a 30%-40% federal government tax credit which is 31 times more per unit of energy produced compared to oil and gas. These huge electric rate increases will burden our residents, and businesses and result in lost jobs. Based on an economic impact study, there is a 2200 job loss for every 2% increase in energy costs. This is in addition to the estimated 10,000 average annual jobs lost in tourism based on scientific studies concluding that tourists won't come to a beach with a view that is industrialized.

The Green Acres Diversion request is one more incremental negative impact to our communities in Atlantic County related to the offshore wind projects. These incremental negative impacts add up to serious destruction of our ocean and New Jersey communities. For these reasons, among many, the Green Acres diversion request should be rejected.

CONFIDENTIAL PERSONALLY IDENTIFIABLE INFORMATION

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July 8, 2024

<p>Paula Geletei City Clerk City of Atlantic City 1301 Bacharach Blvd. Atlantic City, NJ 08401 pgeletei@acnj.gov</p>	<p>Katrina Angarone Assistant Commissioner New Jersey Department of Environmental Protection Watershed & Land Management Program 401 East State Street P.O. Box 401-07B Trenton, NJ 08625 OffshoreWindComments@dep.nj.gov</p>
<p>Green Acres Program New Jersey Department of Environmental Protection Office of Transactions and Public Land Administration Public Land Compliance Section 401 East State Street, 7th Floor Mail Code 401-07 P.O. Box 420 Trenton, NJ 08625-0420 PublicLandCompliance@dep.nj.gov</p>	<p>Janet L. Stewart Bureau Chief New Jersey Department of Environmental Protection Bureau of Coastal Permitting, Division of Land Resource Protection Watershed & Land Management Program Mail Code 501-02A P.O. Box 420 Trenton, NJ 08625 OffshoreWindComments@dep.nj.gov</p>

Via Electronic Filing and Email

**RE: Final Hearing – City of Atlantic City, Atlantic County – Atlantic Shores Offshore Wind Project
Cable Crossings (“Green Acres Diversion Request”)**

Dear Atlantic City Clerk Geletei, Assistant Commissioner Angarone, Ms. Stewart and Green Acres
Program Team:

As a member of Defend Brigantine Beach, Inc. and Downbeach, and a Brigantine, New

Jersey homeowner and stakeholder, residing less than five miles from Atlantic City, I am writing to respectfully request a 60 day extension seeking more time to submit comments regarding the Final Hearing – City of Atlantic City, Atlantic County – Atlantic Shores Offshore Wind Project Cable Crossings (“Green Acres Diversion Request”).

On July 27, 2023 Atlantic Shores held a Public Scoping Meeting to solicit public and written comment on proposing to divert 1.70 +/- acres of parkland, for a non-recreation and conservation use, which includes the installation of underground utility facilities and associated activities. The public was also informed that the Projects will also temporarily impact 11.03 +/- acres of parkland. The Properties discussed are owned by the City of Atlantic City and encumbered by the New Jersey Department of Environmental Protection (“NJDEP”) Green Acres restrictions, and therefore require an application for a major diversion to NJDEP. All interested parties were invited to attend and participate in the scoping hearing or supply written comments. This meeting saw a lot of local, angry opposition.¹

The Atlantic Shores 1 and 2 Projects and their associated offshore wind turbine infrastructure, including the Atlantic City substation structures at issue and the reason for the Green Acres so called “diversion” (collectively, the “Properties” or “Projects”),² pursuant to their respective Public Notices which

¹ See, e.g., Comments submitted by Defend Brigantine Beach, Inc. in 2023, <https://defendbrigantinebeach.org/wp-content/uploads/2023/09/Defend-Brigantine-Beach-Public-Comments-to-NJDEP-for-Atlantic-Shores-Green-Acres-Permit-for-Diversion-of-AC-Owned-Land.pdf>

² See NJDEP Offshore Wind “Opportunities for Public Comment” for the Atlantic Shores projects, <https://dep.nj.gov/otpla/category/plc-public-notices/ga-applications/final-public-hearing/>. See also <https://dep.nj.gov/wp-content/uploads/otpla/plc-public-notices/notice-2024-atlantic-city-atlantic-shores-june-24.pdf>.

The 2024 Public Notice for the Projects reads, in pertinent part:

“PUBLIC HEARING NOTICE PLEASE TAKE NOTICE that the City of Atlantic City (“City”) will hold a virtual public hearing on Tuesday, June 25, 2024, at 6:00 p.m. Members of the public may participate in the hearing via video conference or by telephone. Those who wish to participate via video conference may access the hearing at <https://bit.ly/green-acres-offshore> (*note: if manually typing in, please use all lowercase text*). A toll-free dial-in option is available as well, via calling (877) 853-5247, and entering 823 4121 1062 as the webinar ID, and 469898 as the passcode. If using one-tap mobile, please use +13017158592,,82341211062#. Those planning to offer comments at the hearing may sign up to do so during the hearing.

The public hearing will also be televised at the Council Chambers at City Hall, located at 1301 Bacharach Blvd., Atlantic City, New Jersey. Members of the public may view the public hearing and submit comments during the broadcast of the hearing.

The purpose of the hearing will be to receive public comments on the proposed diversion of an approximately 1.8-acre portion of City-owned parkland pursuant to N.J.A.C. 7:36-26.11(e). The affected properties owned by the City are as follows:

1. Block 1, Lots 58 and 59 (1.35 acres) – Beach/Boardwalk parcels between South Texas Avenue and Iowa Avenue.

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2. Block 794, Lot 1 (0.19 acres) – Bader Field, 545 Albany Avenue.
 3. Block 370, Lots 1.01, 2, and 2.01 (0.26 acres)– in-water Boat House parcel and Pete

Pallitto Field located at the intersection of Fairmount Avenue and Sovereign Avenue.

As to said lands, permanent subsurface easements (totaling 1.8 acres) and temporary workspace (totaling 1.99 acres) is proposed to be acquired from the City by Atlantic Shores Offshore Wind Project 1, LLC (“Atlantic Shores”) for the installation of the onshore underground interconnection cables associated with the proposed Atlantic Shores Offshore Wind Project 1. The lands in question are encumbered by State of New Jersey Green Acres restrictions, and a final application for the major diversion of said lands has been submitted to the New Jersey Department of Environmental Protection (the “Department”), Green Acres Program, for approval by the Department’s Commissioner and by the State House Commission. As compensation for the diversion of the City-owned lands described above, the City agrees to encumber other City-owned lands north of West End Avenue (identified as Block 757 Lot 1; Block 756 Lot 1; Block 755, Lot 1; Block 754, Lot 1; Block 753 Lots 1,2,3,4; Block 752, Lot 1; Block 751, Lot 1; Block 750, Lot 1; Block 749, Lot 1; Block 748, Lot 1; Block 747, Lot 1; Block 746, Lot 1; Block 745, Lots 1 and 3; and paper streets to be vacated) for recreation and conservation purposes. Atlantic Shores has proposed a public enhancement project on the compensation parcels, as well as compensation for tree removal. Atlantic Shores has also agreed to compensate the City for temporary workspace.

In accordance with Green Acres rules, all written comments must be submitted by July 9, 2024 to Paula Geletei, City Clerk, 1301 Bacharach Blvd., Atlantic City, New Jersey 08401 or at pgeletei@acnj.gov. A copy of any written comment must also be submitted to the Green Acres Program at PublicLandCompliance@dep.nj.gov. Please include “Atlantic Shores” in the subject line. Email comments are preferred, but comments may also be mailed to: New Jersey Department of Environmental Protection, Office of Transactions and Public Land Administration, Public Land Compliance Section, 401 East State Street, 7th Floor, Mail Code 401-07, P.O. Box 420, Trenton, New Jersey 08625-0420.

A copy of any written comment on the proposed diversion request may also be directed to Terence Kelly, External Affairs Manager for Atlantic Shores One Dock 72 Way, Brooklyn, New York 11205. You may also email GreenAcrescomment@atlanticshoreswind.com with any comments or questions regarding the public hearing.

Copies of the diversion application are available to the public online at <https://atlanticshoreswind.com/project-1-njdep-green-acres-diversion-application-2024/> or for inspection at Atlantic City, City Hall, located at 1301 Bacharach Blvd., Atlantic City, New Jersey, and at the Atlantic City Free Public Library, located at 1 N. Tennessee Avenue, Atlantic City, New Jersey.”

Previously, in 2023, various portions of the Projects were apparently noticed as:

“PUBLIC SCOPING HEARING NOTICE PLEASE TAKE NOTICE that Atlantic Shores Offshore Wind Project 1, LLC (“Atlantic Shores”) has contacted the New Jersey Department of Environmental Protection (“Department”) proposing to divert 1.70 +/- acres of parkland, for a non-recreation and conservation use, which includes the installation of underground utility facilities and associated activities, on property located on the Atlantic City Beach in an area between South Texas Avenue and Iowa Avenue,

were published in 2023 and again, as modified, in 2024 with subsequent hearing on June 25, 2024,³ where Atlantic Shores held its final hearing regarding the disposition of the land. The purpose of the hearing was to receive public comments on the proposed diversion of an approximately 1.8-acre portion of City-owned parkland pursuant to N.J.A.C. 7:36-26.11(e). The affected properties owned by Atlantic City are as follows: 1. Block 1, Lots 58 and 59 (1.35 acres) – Beach/Boardwalk parcels between South Texas Avenue and Iowa

and identified as Block 1, Lots 53-60 on the Official Tax Maps of the City of Atlantic City (the “Properties”) in connection with the proposed Atlantic Shores Offshore Wind Project (the “Project”).

Atlantic Shores is a 50:50 partnership between Shell New Energies US LLC and EDF Renewables North America and its Offshore Wind Project Lease Area is located approximately 10-20 miles off the coast of New Jersey between Atlantic City and Barnegat Light. In June of 2021, the New Jersey Board of Public Utilities awarded Atlantic Shores Offshore Wind a contract to develop 1,510 MW in offshore wind energy.

Atlantic Shores is in the process of acquiring various properties, permanent rights of way and easements needed to install underground cables and related infrastructure in connection with the Project which will be necessary for the transmission of offshore wind generated energy to the electric distribution network. The Project will also temporarily impact 11.03+/- acres of parkland. The Properties discussed above are owned by the City of Atlantic City and encumbered by NJDEP Green Acres restrictions, and therefore requires an application for a major diversion to the New Jersey Department of Environmental Protection, Green Acres Program, for approval by the Department’s Commissioner and by the State House Commission.

A public scoping hearing is required by Green Acres’ regulations prior to the submission of any formal application for the diversion of parkland.

Pursuant to *N.J.A.C. 7:36-26.8(a)*, a scoping hearing to obtain public comment on this request will be held at the Council Chambers at City Hall, located at 1301 Bacharach Blvd, Atlantic City, NJ 08401, on Thursday, July 27, 2023, at 6:00 p.m. This Scoping Hearing will not be held during normal business hours and attendees should make inquiry as to how to access the building for the meeting.

All interested parties are invited to attend and participate in the scoping hearing. Written comments on the proposed disposal request may be directed to Terence Kelly, External Affairs Manager for Atlantic Shores, One Dock 72 Way, Brooklyn, NY 11205. You may also email terence.kelly@atlanticshoreswind.com with any comments or questions regarding the scoping hearing.

A copy of any written comments must also be submitted to the Green Acres Program at PublicLandCompliance@dep.nj.gov. Please include “Atlantic Shores” in the subject line. Email comments are preferred, but comments may also be mailed to: New Jersey Department of Environmental Protection, Green Acres Program, Bureau of Legal Services and Stewardship, 401 East State Street, 7th Floor, Mail Code 401-07B, P.O. Box 420, Trenton, New Jersey 08625- 0420 Attn: Atlantic Shores Application.

Public comment on the proposed disposal request will be accepted during the Scoping Hearing or until two weeks after the scoping hearing date, which will be August 10, 2023.” See <https://dep.nj.gov/wp-content/uploads/otpla/plc-public-notices/notice-2023-asow-scoping-hearing-public-beach-july-27.pdf>.

Avenue. 2. Block 794, Lot 1 (0.19 acres) – Bader Field, 545 Albany Avenue. 3. Block 370, Lots 1.01, 2, and 2.01 (0.26 acres)– in-water Boat House parcel and Pete Pallitto Field located at the intersection of Fairmount Avenue and Sovereign Avenue.

By law, the proposed land for exchange with NJDEP’s diversion request **is supposed to be an equivalent or better parcel of land** to be protected (i.e., encumbered).⁴ This is clearly not the case here.

In addition, I am writing to record my complete disapproval of the Projects for the following reasons. These include:

Atlantic Shores is asking for land that is currently utilized as a public beach, a school park, boathouse, and part of Bader field (which is developable land), and in exchange to protect Bay/Coastal Wetlands (off of West End Avenue) that cannot be used for open space recreation nor development. By definition⁵, **the diversion request to NJDEP should be rejected based on the proposed exchanged land that is being suggested.**

Further factors to consider:

Atlantic Shores LLC has not proven that the Projects meet the criteria for compelling public need or significant public benefit as required by N.J.A.C. 7:36-26.1(d). Specifically, the Projects do not:

- Improve regional air quality.
- Provide artificial reef habitats without harming natural fish habitats.
- Reduce carbon emissions enough to impact climate change.
- Protect natural resources in the State.
- Their justification is primarily to meet New Jersey’s renewable energy mandate, which differs from directly combating climate change.

Not only that - many residents in the climate justice areas of Atlantic City are likely unaware of the Projects’ details. Public notice was limited to a short announcement in local media and scattered signs, insufficiently informing the affected communities. These neighborhoods, primarily minority populations (81%), would be significantly disrupted. Environmental justice laws, both Federal (Executive Order 12898) and State (NJ Governor’s Executive Order No. 23), mandate fair treatment and meaningful involvement of all people in environmental matters. NJDEP’s own guidance requires that any adverse impacts on these communities be minimized.

It is also important to consider Atlantic City's own laws⁶ which require:

⁴ See, e.g., <https://dep.nj.gov/otpla/requests-for-use-of-njdep-property/>; <https://dep.nj.gov/wp-content/uploads/greenacres/pdf/appraisal-green-acres-scope-2019-january.pdf>

⁵ New Jersey Green Acres Program, N.J.A.C. 7:36-26.1(d), https://dep.nj.gov/wp-content/uploads/rules/rules/njac7_36.pdf.

⁶ See Atlantic City Administrative Legislation, <https://ecode360.com/AT0848>, **Chapter 21A: Environment Right to a Healthy Environment:**

- Right to a healthy environment.
- Right to complete and accurate information about environmental impacts.
- Environmental Commission to promote conservation and public health.
- Equal employment opportunities with a focus on minority contractors.

Atlantic Shores has not demonstrated compliance with these requirements nor shown how they have informed and protected the affected communities. Questions remain about their efforts to engage and inform the public and to ensure job opportunities for minority populations.

Although this public notice was posted, many people were still not adequately informed or updated on the deep ramifications to them of what this diversion request really means. Even the residents of the Ritz Condominium Building, a Historic Landmark building in Atlantic City, right next to where the Atlantic Landfall Site will be, were completely surprised.⁷

Every resident of Atlantic City is entitled to a healthy and safe environment. This means maintaining high standards for air, water, land, and food quality, allowing individuals and communities to live healthy and dignified lives. The responsibility to enhance, protect, and preserve Atlantic City's environment falls on the government, residents, citizen groups, and businesses—not just Atlantic Shores.

Right to Know:

The community has the right to complete and accurate information about potential health and environmental impacts of any projects. The responsibility to provide this information lies with the project proponent, in this case, Atlantic Shores.

Chapter 21B: Environmental Commission

Purpose: The Atlantic City Environmental Commission aims to:

- Protect and conserve the city's land, air, water, and natural resources.
- Educate the public and advise the city government on the best methods for protecting these resources.
- Promote public health by informing the public and the city government about environmental health hazards.

Chapter 7: Equal Opportunity Employment

Requirements for Businesses:

Any business wishing to operate in Atlantic City or bid for public contracts must:

- Submit an equal employment opportunity affidavit.
- Make a genuine effort to use minority contractors and suppliers who pay prevailing wages.
- For businesses using government funding or tax abatements, at least 10% of contractors and suppliers must be minorities.

⁷ See Press Release dated June 14, 2024, “Atlantic Shores Seeks Approval from NJDEP to Utilize Protected Beach and Parkland for High-Voltage Cable Route.” The purpose of the Press Conference organized by Defend Brigantine Beach, Inc. is to help inform the people of Atlantic City of this monumental event, to go to the Public Hearing and to voice their opinions of the Atlantic Shores diversion request. Defend Brigantine Beach a.k.a. DefendOurBeachesNJ.org, is a non-partisan, mission-driven, grassroots coalition supported by thousands of concerned New Jersey shore homeowners, elected officials, business owners,

The request to divert land intended for conservation to place giant EMF emitting electric cables that will be run from the Boardwalk through the Chelsea neighborhood of Atlantic City, and out to the substation in EHT, should therefore be denied.

But there is more. The Green Acres, that Atlantic Shores and NJDEP euphemistically called a "diversion" proposed for Atlantic City will be in effect, a governmental taking of property.

This so called "diversion" of a popular ball park, ocean boardwalk, and commercially developable land flies in the face of the steps that, almost twenty five years ago, New Jersey took to boost its special environmental laws and common law: through the Public Trust Doctrine, devising "practical steps to enhance public access."⁸ Why now are these hard fought environmental gains being cast aside for economic expediency?

In particular, this offshore wind cable routing and landfall Green Acres land swap is so concerning for the following reasons and must immediately be stopped, for the following reasons:

1. Inconsistent with the current Master Plan for Atlantic City. The proposed use is inconsistent with the approved Master Plan for Atlantic City.⁹
2. Financial offset for lost property values for all neighboring property owners must be considered. The proposed industrial offshore wind turbine power plant development infrastructure will have a significant negative impact on the existing and future residential and commercial use of the adjacent properties. The proposed industrial power plant use will produce unpleasant, audible, electronic noise, and harmful electromagnetic radiation. The proposed industrial power transfer station is a potential target for terrorism as essential infrastructure. These factors have a substantial negative impact on adjacent property values.¹⁰

and visitors. We are proponents of a responsible and sensible approach to green and alternative/renewable energy solutions.

However, we are opposed to the size, scope, location, and potentially devastating impacts on our ocean and community that this project will have as currently proposed by Atlantic Shores and Orsted offshore wind development companies."

⁸ "NJDEP, Public Access in New Jersey: The Public Trust Doctrine and Practical Steps to Enhance Public Access," <https://www.sesync.org/sites/default/files/case-studies/Coastal%20Decision%20Making%20Case%20Study%20-%20Reading.pdf>

⁹ Atlantic City Master Plan September 2008, <https://www.acnj.gov/Content/pdf/Atlantic-City-Master-Plan-2008.pdf>

¹⁰ Id., Comments submitted by Defend Brigantine Beach, Inc. in 2023, <https://defendbrigantinebeach.org/wp-content/uploads/2023/09/Defend-Brigantine-Beach-Public-Comments-to-NJDEP-for-Atlantic-Shores-Green-Acres-Permit-for-Diversion-of-AC-Owned-Land.pdf>

3. Alternative route analysis. Was there a study for other routes to reduce impact on the community in Atlantic City and not have to take Green Acres open space? One suggestion is an alternate route through the Inlet and Bay to Bader Field landfall avoiding the entire impact in Atlantic City.
4. The Public Trust Doctrine. This was recently litigated and upheld very old law, ensuring public pedestrian access both visual and physical to the beach and Atlantic Ocean “shall not be demised or impeded.”¹¹
5. Public transportation access to the proposed site for Green acres offset is not equal. The current Green Acres Park has public access both via the bus and jitney system for tens of thousands of residents both on the island and off island. The proposed site does not, and therefore is not equal or equivalent.¹²
6. Pedestrian access to the proposed site for the Green Acres offset is not equal. There are thousands of residents within walking distance to the current Green Acres site. The proposed site does not, and therefore is that equal or equivalent.¹³
7. Public utility access to the proposed site for the Green Acres offset is not equal. The current Green Acres Park has access to public water, sewer, gas, and electric that are directly adjacent to the site for necessary improvements to fully develop the potential for public use of the Green Acres site. The proposed site does not have equal access and therefore is not equivalent.¹⁴
8. Development and construction potential for the Green Acres open space is not equal. There will be an extensive, ominous, applications, presentations, permitting and approval process for the proposed Green Acres offset property. The proposed site requires a substantial application, permitting, presentations and approval for various permits. That process burden on the public to construct improvements to maximize the public use of the proposed Green Acres property will take substantial time and finances without a certainty of outcome. It is very possible the approval process cannot be met, and therefore the site cannot be developed. This process represents an undue burden to the public with significant risk of not receiving approvals for site improvements to the proposed property for public benefit as intended by the Green Acres program. Therefore, the proposed land swap is not equivalent and must not be approved.¹⁵
9. Adjacent historically significant properties. The current Green Acres site has pedestrian access and visual access to historically significant landmarks as well as the Atlantic ocean.¹⁶ The Ritz Condominium Building, a Historic Landmark building in Atlantic

¹¹ *Id.*, “NYDEP, Public Access in New Jersey: The Public Trust Doctrine and Practical Steps to Enhance Public Access,” <https://www.sesync.org/sites/default/files/case-studies/Coastal%20Decision%20Making%20Case%20Study%20-%20Reading.pdf>

¹² *Id.*, New Jersey Green Acres Program, N.J.A.C. 7:36-26.1(d), https://dep.nj.gov/wp-content/uploads/rules/rules/njac7_36.pdf;

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

City, is right next to where the Atlantic Landfall Site will be. The proposed Green Acres site does not, and therefore is not equivalent. Families enjoying the Green Acres site can plan an agenda that takes advantage of multiple historically significant landmark properties and views. Adjacent, historically significant landmark properties will therefore be negatively impacted by less visitation and appreciation by the public. That financial value is very difficult to assess; however, one can easily understand it will be significant. The potential loss of revenue and visitation to historically significant landmark properties must be a consideration of this proposed land swap.

10. Public safety at the existing Green Acres site for the proposed use. The proposed use for critical industrial utility electric transfer requires a substantial burden to protect the public from the dangerous industrial use. The required protection must include such things as fencing, signage, security systems, alarms, and cameras to protect the infrastructure from vandalism or terrorist activity. All these necessary and required public safety improvements will be unsightly and cause undue stress and anxiety. Required signage warning of “High Voltage Electricity,” which is inherently dangerous, will cause undue hardship, stress, and scares everybody. Other appropriate warning signage will be required with messaging that can be reasonably assessed as a significant negative impact on public health safety and welfare. The proposed uses are inconsistent with the existing Green Acres land protection use.¹⁷

For all the reasons stated above, the proposed land swap is inconsistent with the existing Master Plan and use, it is not equivalent to or could be made equivalent to the existing property. The proposed industrial offshore wind turbine power plant development infrastructure use therefore cannot be approved, as it represents a significant undue burden and hardship to the public.

Lack of adequate CAFRA process analysis, due to failure to analyze the cumulative effects of the Projects including incomplete applications, etc., among other reasons, make the Projects unfeasible¹⁸

The lack of transparency results in loss of due process for the stakeholders and affected environmental justice communities,¹⁹ lack of adequate mitigation, and failure to analyze the cumulative effects of the Projects. For the reasons set forth below, the permits should be denied for the Projects, which comprise infrastructure for the proposed Atlantic Shores Offshore Wind Projects 1 and 2 in New Jersey, because of the reasonably foreseeable effects of the Projects on coastal use or resources. Specifically, while the federal government seeks expediency in approving the Projects, New Jersey has

¹⁷ *Id.*

¹⁸ See SM Kennedy, Coastal Resource Protection: A Review of Select New Jersey Regulatory and Planning Tools, (2018) at 4-5. “DEP’s belief that it is powerless to prevent dangerous development from continuing in high hazard areas is a perfect example of the agency’s failure to recognize and apply the Coastal Rules, the Coastal Policies and the CAFRA Section 10 Findings to their maximum potential. These regulatory tools could be utilized to prevent much of the unwise and undesirable development that negatively impacts our coastal resources and undermines the natural hazard mitigation they provide.”

¹⁹ See Christopher Placitella, Esquire, https://youtu.be/6kBa9M_RuS0?feature=shared.

special environmental protections that must be considered because of the socio/economic and environmental harm including to the legally protected Over Burdened Communities (“OBC”) of Atlantic City, its neighbors, Brigantine barely 4.5 miles away, as well as Egg Harbor Township, all in Atlantic County and sites of the proposed Projects,²⁰ that will result.

There is ample precedent for the New Jersey Department of Environmental Protection (“NJDEP”) to extend the comment period for offshore wind projects such as the Projects affecting offshore New Jersey, based on request from the public, for less complex projects than these massive wind turbine structures, O&M facility, etc. of the Project, where time to comment was warranted to accommodate stakeholders.²¹ NJDEP has the ability to extend the comment period for projects affecting offshore wind and overburdened communities, for example.²² Stakeholders in the Projects, such as

²⁰ See Maps of Atlantic City and Brigantine City, Atlantic County, designated to have Overburdened Communities (“OBC”), N.J.S.A. 13:1D-157, et seq.; <https://dep.nj.gov/ej/law/>; Atlantic Shores Federal Consistency Certification Request published by New Jersey Department of Environmental Protection, September 19, 2023 (overburdened communities include Atlantic City and Brigantine, NJ in Atlantic County, NJ).

²¹ New Jersey Offshore Wind Public Participation Guide, Prepared by the Special Initiative on Offshore Wind, February 2022, <https://dep.nj.gov/wp-content/uploads/offshorewind/nj-offshore-wind-public-participation-guide.pdf>

²² See “NJDEP Implements New Jersey Environmental Justice Law Through Administrative Order,” October 5, 2021, <https://www.trccompanies.com/insights/njdep-implements-new-jersey-environmental-justice-law-through-administrative-order/> “On September 22, 2021, the NJDEP Commissioner announced the issuance of Administrative Order (AO) No. 2021-25 to implement New Jersey’s Environmental Justice (EJ) Law. This order is effective immediately, and applicants seeking to site new major source facilities, renew major source permits or expand existing facilities with major source permits (e.g., Title V air permits) in overburdened communities are affected. There are more than 4.5 million people that live within 331 municipalities that are overburdened communities in the state of New Jersey.

The Administrative Order requires an enhanced public participation process that requires facilities to:

- Hold a public hearing meeting as determined by the Environmental Justice Law.
- To the extent consistent with applicable law, have a public comment period that is a minimum of sixty (60) days. If there is written request from members of the respective overburdened community, the public comment period may be extended by thirty (30) days to provide information related to “information regarding existing conditions within the overburdened community and potential facility-wide environmental and public health stressors that could result in adverse impacts upon the overburdened community were the regulated activity approved.”
- Respond to and address the concerns raised by individuals from the overburdened community during the public comment period, which may include the need to perform additional analysis as deemed necessary by the NJDEP.
- Solicit concerns from the overburdened community regarding environmental or public health stressors posed by the facility.
- Adhere to special conditions placed on permits approved by the NJDEP. Special conditions may be placed to avoid or minimize public health stressors to the maximum extent allowed by law.
- NJDEP has the authority to reopen or further extend the public comment period on a case-by-case basis, as consistent with applicable law and statutes.”

myself, need more time than barely two weeks after public hearing, to parse over numerous technical pages of the Green Acres Diversion application and 800 pages of an application that does not appear to be complete, along with the other assorted 15 drawings and maps selectively provided on NJDEP's website, in order to fully comprehend numerous highly technical pages, to retrieve the information in such large documents, and make a fully reasoned response for such complex Projects now comprising over 1,800 turbines and their associated infrastructure, and the cumulative effects on the other regional NJDEP permit areas, and for NJDEP to correct defects in the notice and mitigation analysis process.

First, the State of New Jersey has special environmental protections under its statutes and the common law, including the first of its kind in the nation, the Environmental Justice Law. And New Jersey's Department of Environmental Protection (NJDEP) has the power under this new environmental law to deny the certification altogether.

NJDEP boasts on its website that "NJ's landmark Environmental Justice Law requires DEP to evaluate environmental and public health impacts of certain facilities on overburdened communities (OBCs) when reviewing certain applications. NJ is the first state required to issue denials for new facilities that cannot avoid disproportionate impacts on OBCs or serve compelling public interest. Regulations to implement the law are effective."²³

This Atlantic Shores wind turbine project, and its underlying onshore facilities and cabling activities under the Projects at issue, are just the kind of facilities that the Environmental Justice Law was designed to regulate. And if it is not possible for the Projects to satisfy the rules and regulations, NJDEP has the power under its laws to deny the certification for the project if it cannot avoid "disproportionate impacts on Over Burdened Communities or serve compelling public interest."²⁴

Under the construction and maintenance of the Projects as described in the Public Notice, there are significant adverse air polluting and other horrible environmental effects, with the real possibility of serious violations. As such, the facilities described under the Public Notice and Project documents, even taking what is available online with the Public Notice²⁵ (an OPRA request was also made for the remainder of the application documents, as what was available online was paltry)²⁶, will act as major sources of air pollution and other emissions that run afoul of the NJ Environmental Justice law, in so many ways. For example:

1. Substation in Egg Harbor Township²⁷: I echo the concerns voiced by Defend Brigantine Beach, Inc. and Downbeach: The SF6 chemicals will be toxic and if spilled would be a lethal

²³ N.J.S.A. 13:1D-157, et seq.; <https://dep.nj.gov/ej/law/>.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ See "Site Plan Substation Plans" and the "General Notes," "Site Demolition Notes," etc. discussed thereto, <https://dep.nj.gov/wp-content/uploads/offshorewind/docs/atlantic-shores/project-1/njdep-asow-project-1-site-plan-substation-plans.pdf>; see also CS002 referenced therein.

- source of pollution.²⁸ “According to BOEM documents, the following chemicals will be used by the Substation in Egg Harbor Township. Have the residents living in close proximity to the substation been informed of the use of SF6, one of the most potent and persistent greenhouse gas known to man? The U.S Environmental Protection Agency reported, ‘SF6 is the most potent greenhouse gas known. It is 23,500 times more effective at trapping infrared radiation than an equivalent amount of CO2 and stays in the atmosphere for 3,200 years.’ The agency also notes that a relatively small amount can ‘have a significant impact on global climate change’ and that leaks can occur during ‘installation, maintenance and servicing.’ Employees must evacuate the work area during leak events. The question is how many such leaks go unreported.”²⁹
2. In addition, the proposed industrial offshore wind turbine power plant development infrastructure will have a significant negative impact on the existing and future residential and commercial use of the adjacent properties in Atlantic City. The proposed industrial power plant use will produce unpleasant, audible, electronic noise, and harmful electromagnetic radiation. The proposed industrial power transfer station is a potential target for terrorism as essential infrastructure. These factors have a substantial negative impact on adjacent property values.³⁰
 3. Demolition work during the construction phase will certainly have air polluting effects, according to the Project’s own documents.³¹ From the Projects’ own documents, including a Permitting Drawing, “Permitting Plan notes” mention demolition work and air effect; other documents, such as Site Plan Notes Sheet 3, “Permitting Construction Notes: Means of Construction & Impact,” etc., discuss demolition dust in the air according to rendering notes.
 4. The drilling, land disruption could potentially cause problems with the older buildings and high rises that are not structurally sound in Atlantic City.

²⁸ See Public Comments submitted by Defend Brigantine Beach, Inc. and Downbeach, dated June 12, 2024 re: NJDEP Public Comments to Atlantic Shores Offshore Wind South State Permit Applications 0000-21-0022.2 LUP24001 & LLI24001 – Atlantic Shores Offshore Wind Project 1, LLC; 000-21-0022.3 LUP240001 – Atlantic Shores Offshore Wind Project 2, LLC; 0102-24-0001.1 LUP240002 – Atlantic Shores Offshore Wind Operations & Maintenance Facility.

²⁹ *Id.*, “Site Plan Substation Plans;” see also <https://defendbrigantinebeach.org>.

³⁰ *Id.*, “Site Plan Substation Plans;” see also supporting drawings and renderings, <https://dep.nj.gov/offshorewind/outreach/#0000-21-0022-2-lup240001>. See also Anbaric Boardwalk Power Link, Permit Application, <https://dep.nj.gov/wp-content/uploads/offshorewind/docs/anbaric-boardwalk-power-link.pdf>.

³¹ See Permitting Plan Sheets, e.g., “Demolition Notes,” p. 2, Atlantic Shores 1 (“19. During demolition and debris removal, operations, EPC contractor shall continually use water sprinkling and other suitable methods to reduce the amount of dust and dirt, rising and scattering in the air, to the lowest practical level possible,” etc.); <https://dep.nj.gov/wp-content/uploads/offshorewind/docs/atlantic-shores/project-1/njdep-asow-project-1-permitting-plan-sheets.pdf>. See also “Permitting & Construction Notes: Means of Construction & Impact,” <https://dep.nj.gov/wp-content/uploads/offshorewind/docs/atlantic-shores/project-1/njdep-asow-project-1-site-plan-substation-plans.pdf> (“offshore vessel” potential for air pollution, and other types of spills).

5. There may also be effects of significant air pollution from offshore vessels. The “Permitting Construction Notes Means of Construction & Impact” clearly show means of air pollution by offshore activities.³²
6. Along the cable corridor,³³ the cable and its “protective” covering, e.g., cement berm, along Brigantine’s cable corridor will severely impact boating, both commercial and recreational.³⁴

The Projects neither avoid disproportionate impacts on the OBCs of Atlantic City, Brigantine and Egg Harbor Township, nor do they serve a compelling public interest, when their known health and pollution effects are too high and others need to be further studied: in effect, the environment and its population will be irreparably harmed to build and service the Projects.

The residents must be notified. When this project was previously noticed, Defend Brigantine Beach, Inc. submitted comments opposing the Projects and those comments are incorporated herein.³⁵ **What has changed since 2023: the lack of transparency and land grab are even greater now.**

Atlantic Shores’ first presentation in Atlantic City from July 2023 for Green Acres diversion and activities would be helpful for all who are impacted to see what information Atlantic Shores has already presented.³⁶

These are the properties that were addressed in the first 2023 Green Acres Hearing in Atlantic City:

³² *Id.*, “Permitting Construction Notes Means of Construction & Impact.”

³³ *Id.* “Site Plan Alignment Sheet 1,” etc.

³⁴ The “Site Plan Notes Sheet 1” shows at least two projects overlapping near Brigantine cable corridor; <https://dep.nj.gov/wp-content/uploads/offshorewind/docs/atlantic-shores/project-1/njdep-asow-project-1-site-plan-notes-sheet-1.pdf>.

³⁵ *See, e.g.*, Comments submitted by Defend Brigantine Beach, Inc. in 2023, <https://defendbrigantinebeach.org/wp-content/uploads/2023/09/Defend-Brigantine-Beach-Public-Comments-to-NJDEP-for-Atlantic-Shores-Green-Acres-Permit-for-Diversion-of-AC-Owned-Land.pdf>

³⁶ *See* “Green Acres Scoping Hearing,” July 27, 2023; https://atlanticshoreswind.com/wp-content/uploads/2024/01/20230726_ASOW-GreenAcresScopeHearing-FINAL.pdf

Project 1 in Atlantic City



Four Green Acres Sites

- Beach
- Pallitto Field
- Board of Education
- Bader Field



Diversions are proposed on the following Green Acres encumbered sites in the City of Atlantic City:

Property	Block	Lot	Parcel Size in Acres (Based on Tax Map Data)	Area of Proposed Diversion in Acres: Permanent Easement*
Beach	1	53-60	20.07	1.69
Pallitto Field	370	2 and 2.01	3.77	0.29
Board of Education	370	1 and 1.01	1.26	0.11
Bader Field	794	1	142.59	0.27
TOTAL			167.69	2.36

* Size of the permanent easements subject to change.

Listed below, are the properties proposed by Atlantic Shores in the 2024 Green Acres Hearing. While they seem to be the same properties as those considered for a Green Acres Diversion after the 2023 hearing, it now appears there are additional acres representing the total diversion request made at the latest 2024 hearing³⁷:

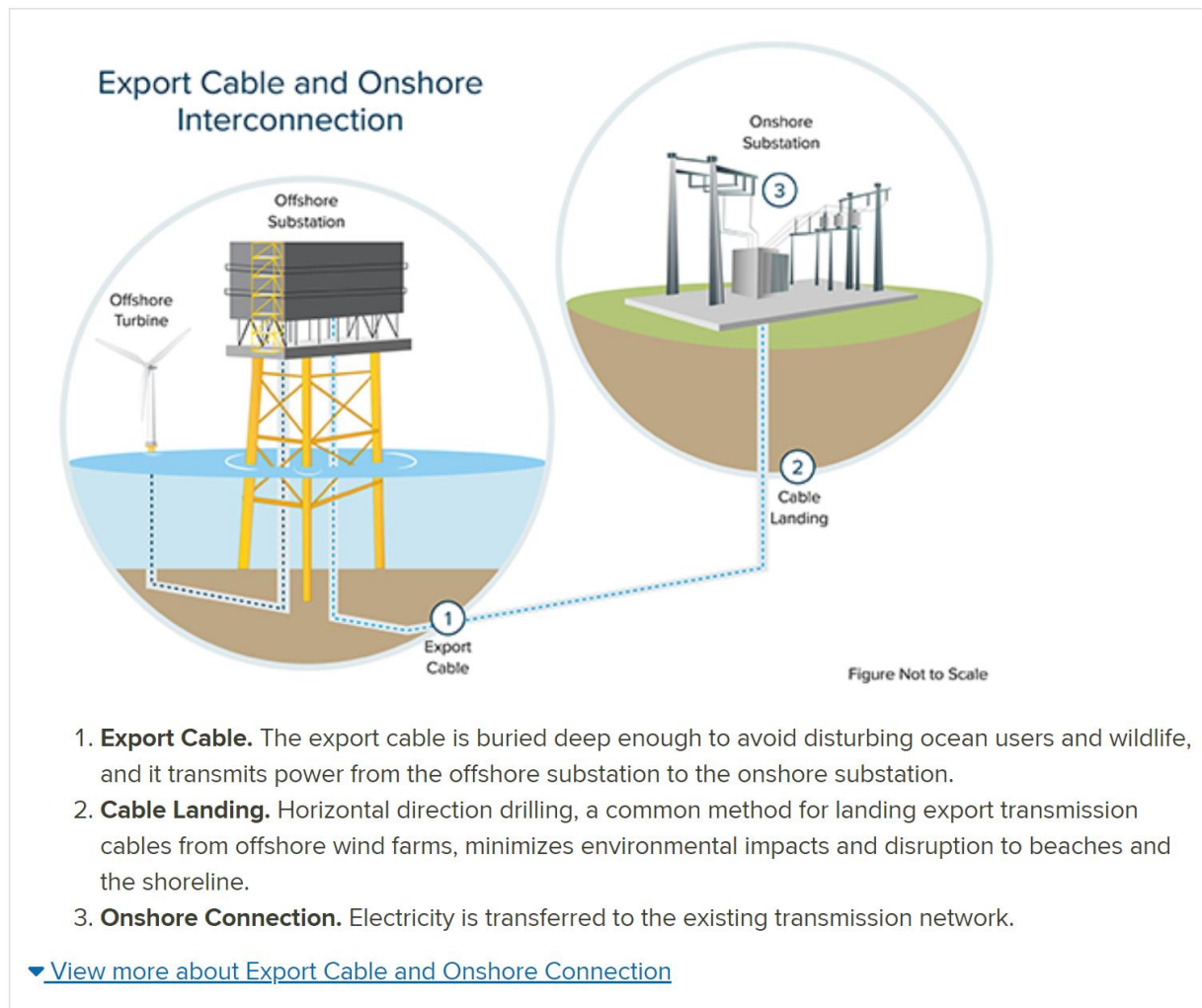
³⁷ Analysis by Dr. Suzanne Moore, MBA, Defend Brigantine Beach, Inc. and Downbeach, May 28, 2024.

Address	Block	Lot	Notes
Beach and S. Texas & S. Iowa	1	58&59	1.35 Acres
601 N. Albany Avenue, Bader Field	794	1	0.19 Acres
3411 Sunset Ave (piers - Lot 1.01), 3301 Fairmont Ave (Lot 2), 3301 Sunset Avenue (Lot 2.01)	370	1.01, 2 & 2.01	0.26 Acres - In water boathouse parcel and Pete Pallito Field
TOTAL			1.8 Acres
With Temporary Workspace			1.99 Acres

To illustrate the impact of the “landfall” and other infrastructure aspects that will be happening in Atlantic City, New York State’s offshore wind program has provided a simple, easy to understand overview of offshore wind (“Offshore Wind 101”). This is what will be needed for the offshore to onshore connection.³⁸

³⁸ See <https://www.nyserda.ny.gov/All-Programs/Offshore-Wind/About-Offshore-Wind/Offshore-Wind-101>. See also Defend Brigantine Beach, Inc.’s 2023 comments previously submitted to NJDEP, <https://defendbrigantinebeach.org/wp-content/uploads/2023/09/Defend-Brigantine-Beach-Public-Comments-to-NJDEP-for-Atlantic-Shores-Green-Acres-Permit-for-Diversion-of-AC-Owned-Land.pdf>.

Export Cable and Onshore Connection



It is incomprehensible and appalling to think that Atlantic Shores' grand plan requires having this high voltage cable, connections and substation infrastructure right off the **iconic Boardwalk in Atlantic City, impacting entire nearby neighborhoods.**

Atlantic Shores is also hiding the impact of the landfall site by referring to the large parking lot next to the Ritz Condos as the "Atlantic Landfall Site."³⁹ They are very vague what actually will go on this site and what it will look like.

Also misleading is the so called "landfall" to be built on the two beach lots next to the Ritz, missing from the latest COP which does not show an additional substation on the lots. What will be exactly onshore by the beach at the cable landing site? It may be another building to house the cables where they go underground, there is no further information. The latest COP speaks to the cable landing

³⁹ *Id.*

sites, and is also heavily redacted. Why is Atlantic Shores hiding this information and not sharing it with those affected?

Another example of lack of transparency is the picture of the lots where the cable landing site comes on shore for S. Texas and S. Iowa land - on the beach to the parking lot right next to The Ritz. This assumes that the two beachfront lots Atlantic Shores purchased will be the location for the cable that will run directly down S. Iowa Avenue underground, which is another issue that should be addressed.⁴⁰

In reality, this is a catastrophe - the Atlantic Shores Offshore Wind 1 Diversion Request will be happening in the front and side yards of the residents of the Ritz Condominiums, in the ball parks and beach front access that the community relies on for recreation, affecting their health, safety and wellbeing.

The rendering depicted below shows the lots for the S. Texas and S. Iowa landfall - on the beach to the parking lot right next to The Ritz:



The Atlantic Shores Projects subvert Federal and New Jersey State environmental protections.

First, Congress enacted the Coastal Zone Management Act (“CZMA”) (16 U.S.C. 1451 et seq.) in 1972 to protect the coastal environment from growing demands associated with residential, recreational, commercial, and industrial uses (e.g., State and Federal offshore oil and gas development).

⁴⁰ *Id.*

The CZMA affords the federal government to recognize that coastal states such as New Jersey have a legal right to restrict activities along its coastline and coastal waters that pose a risk to the health and safety of its citizens, and to preserve their natural resources.

However, the CZMA was changed by NOAA in 2019 to make the leasing process more efficient, in anticipation of wind power leases.⁴¹ Important state protections in favor of federal expediency were taken away. It has been reported that under the CZMA Federal Consistency process, NOAA already weakened the voice of state and coastal communities.⁴² It has been made harder for states to protect their coastline and marine habitat, because of decisions on offshore leasing and development made in order to speed federal review of offshore energy projects.⁴³ The changes are important:

[C]oastal states must be able to fully utilize their consistency review authority under the CZMA in order to effectively protect their coasts, coastal communities, and coastal economies in the face of proposals to speed up and greatly expand Outer Continental Shelf (OCS) offshore oil and gas activities. To attempt to diminish that state authority, as the ANPR invites, would undermine a foundational requirement of the CZMA, namely that in exchange for coastal states' developing and implementing federally approved state CZM programs, federal actions having reasonably foreseeable coastal impacts must be consistent with those programs.⁴⁴

Second, The State of New Jersey has special environmental protections enacted by statute and the common law that are being flouted by the alarming effects of the Atlantic Shores Projects as proposed, along with the cumulative effects of the Ocean Wind projects, should they be re-bid, which Brigantine straddles, as discussed below.⁴⁵

New Jersey's Coastal Management Program recognizes that:

[C]oastal states have authority over a broad range of activities that could affect these coastal zone resources. New Jersey's coastal zone extends to the limit of its territorial waters, three nautical miles (3.5 statute miles) to sea from its shoreline. While many

⁴¹ <https://www.federalregister.gov/documents/2019/08/06/2019-16513/coastal-zone-management-act-program-change-procedures>.

⁴² In March 2019, NOAA proposed CZMA changes to improve offshore leasing processes Coastal Zone Management Act reportedly "aimed at making the federal consistency process more efficient across all stages of US Outer Continental Shelf oil and gas projects from leasing through development." Oil & Gas Journal Daily Update, March 12, 2019. <http://ogi.com/newsletters.html>

⁴³ "Coastal Management Process Under Threat," Natural Resources Defense Council, May 16, 2019.

⁴⁴ *Id.*, <https://www.federalregister.gov/documents/2019/03/11/2019-04199/procedural-changes-to-the-coastal-zone-management-act-federal-consistency-process>.

⁴⁵ *See* Ocean Wind 1 Federal Consistency, e.g., <https://njbmagazine.com/njb-news-now/ocean-wind-1-achieves-state-permitting-milestones/>

coastal activities are under direct control of the state, actions by federal agencies or actions in federal waters beyond a state's territorial waters, may adversely affect a state's coastal or marine resources or uses. Federal consistency serves as an important tool that provides states the ability to protect their coastal and marine resources and uses by ensuring that federal actions are consistent with the states' coastal policies.⁴⁶

New Jersey coordinates its environmental policies with the federal government:

In the United States, coastal areas are managed through the Coastal Zone Management Act of 1972 (CZMA). This law authorizes individual states to develop plans that incorporate the strategies and policies they will employ to manage development and use of coastal land and water areas. Each plan must be approved by the National Oceanic and Atmospheric Administration (NOAA). One of the components of an approved plan is enforceable policies, that is, state policies that are legally binding and by which a state exerts control over coastal uses and resources. In New Jersey, the enforceable policies are contained in the Coastal Zone Management rules, N.J.A.C. 7:7, the Freshwater Wetlands Protection Act Rules, (N.J.A.C. 7:7A), Stormwater Management rules, (N.J.A.C. 7:8), New Jersey Pollutant Discharge Elimination Systems rules, (N.J.A.C. 7:14A, Subchapters 1, 2, 5, 6, 11, 12, 13, 15, 16, 18, 19, 20, 21, 24 and 25), and the Hackensack Meadowlands District Zoning Regulations (N.J.A.C. 19:4 portions of Subchapters 2, 3, 4, 5, 7, 8 and 9 as noted below). Three major state laws are implemented through the Coastal Zone Management rules: the Waterfront Development Law, N.J.S.A. 12:5-3, the Wetlands Act of 1970, N.J.A.C. 13:9A, and the Coastal Area Facility Review Act (CAFRA), N.J.S.A. 13:19. The Hackensack Meadowlands Reclamation and Development Act, N.J.S.A. 13:17, Freshwater Wetlands Protection Act, N.J.S.A. 13:9B and the Law concerning the transportation of dredged materials containing polychlorinated biphenyls (PCBs), N.J.S.A. 13:19-33, the NJMC Master Plan, the November 5, 2005 Memorandum of Agreement between the NJDEP and New Jersey Meadowlands Commission, and the Department's "Technical Manual for Evaluating Wildlife Impacts of Wind Turbines Requiring Coastal Permits" are additional enforceable policies. Please see the enforceable policies web page (www.nj.gov/dep/cmp/czm_enforcepolicies.html) for additional information and links to the enforceable policies. Most federal consistency determinations are made by the Division of Land Use Regulation, with the Office of Dredging and Sediment Technology conducting reviews for dredging and port activities.⁴⁷

By NJDEP's own admission, it has already expressed concerns about the Atlantic Shores Project. NJDEP took the opportunity under the CZMA to review it under its own laws against the federal laws.

"Although the Project's Lease Area does not fall within a Geographic Location Description for purposes of 16 USC § 1456(c)(3)(A) and the implementing regulations at 15 CFR Part 930 Subparts D and E, following a request by the NJDEP, Atlantic Shores voluntarily submitted the consistency certification

⁴⁶ State of New Jersey Department of Environmental Protection Coastal Management Program, https://www.nj.gov/dep/cmp/czm_federal.html.

⁴⁷ *Id.*

to NJDEP to review for any reasonably foreseeable effects of the Project on coastal use or resources for consistency with the enforceable policies of the New Jersey Coastal Zone Management Program.”⁴⁸

For reasons unspecified to the public, NJDEP extended the Federal Consistency Certification Request Stay Agreement to April 1, 2024 and subsequently granted the federal consistency permit on April 1, 2024, based on BOEM’s draft DEIS, Atlantic Shores’ COP, and Atlantic Shores’ purported “commitments to undertake construction and operation measures intended to avoid, minimize, and mitigate the reasonably foreseeable effects associated with the Projects consistent with N.J.A.C. 7:7-1.1 et seq., including N.J.A.C. 7:7-16.2.”⁴⁹

NJDEP expressed several concerns that culminated in conditions, including:

1. Reduce impact on benthic by implementing Hydraulic Clam Dredge Survey pursuant to the COP having cable protections reflect pre-existing sea floor conditions
2. Reduce risk of adverse impacts and provide maritime community with physical location of cable protections
3. Notify USCG of unexploded munitions, etc.
4. Providing visual impact monitoring, including aircraft monitoring.

Third, the Projects as proposed would turn an essentially quiet, recreational community of the Jersey Shore, with areas of pristine shoreline fully protected both by state⁵⁰ and federal laws, into a fully industrialized area, both on-shore and off, destroying the beauty of the New Jersey Shore’s environmentally protected coastline and seriously impair and hamper any viable use for commercial fishing, recreational boating and water access, and destroy all the gains that have been made and waste all the millions of taxpayer dollars that have been spent in protecting open space and parkland through Green Acres, advancing endangered species such as the Right Whale and Minke Whale, not to mention the dangerous known effects of the operation of the wind turbines on human, marine mammal,⁵¹ avian and other wildlife.

⁴⁸ <https://dep.nj.gov/offshorewind/comments/>.

⁴⁹ *Id.*; Federal Consistency Certification for Atlantic Shores dated April 1, 2024, #0000-21-0022.1 CDT210001, https://dep.nj.gov/wp-content/uploads/bulletin/bu2024_0501.pdf at p. 4; <https://dep.nj.gov/wp-content/uploads/offshorewind/docs/njdep-asow-concurrence.pdf>.

⁵⁰ *See, e.g., New Jersey’s Green Acres State Land Acquisition Program, under which portions of Atlantic City, Brigantine and Egg Harbor Township are state-protected.* <https://dep.nj.gov/greenacres/state-land-acquisition/#:~:text=The%20Green%20Acres%20Program%20serves,areas%2C%20and%20wildlife%20management%20areas.>

⁵¹ “Four whales die in 4 days: Wind farms creating ‘death zone’ at sea says ex-Greenpeace boss,” New York Post, May 8, 2023 (showing photo of a dead Humpback whale on Brigantine Beach, NJ, in March 2023) <https://nypost.com/2023/05/08/not-unreasonable-to-link-whale-deaths-offshore-wind-farm-work-ex-greenpeace-chief-says/>.

Special State laws and protections include **New Jersey’s Green Acres State Land Acquisition Program, under which portions of Atlantic City, Brigantine and Egg Harbor Township are state-protected.**⁵² NJDEP has already discussed its findings of non-compliance in its comments to the DEIS: **“The DEIS does not adequately describe impacts to or describe mitigation measures required to account for the potential diversion/disposal of Green Acres encumbered parkland.”** (Emphasis added).⁵³ Significant portions of Atlantic City, the City of Brigantine and Egg Harbor Township are designated as Green Acres.⁵⁴ **Further, remarkably, NJDEP gives the appearance of favorable treatment by not even requiring its State Applicant under the Projects to certify and respond to the Green Acres questions on page 3 of their Permit Application (“B. Property Owner’s Certification... 3. Whether any work is to be done on any property owned by any public agency that would be encumbered by Green Acres? [yes/no response was left blank].”)**⁵⁵

The Public Trust Doctrine in New Jersey, it bears repeating, is another special protection.

The ability of the public to have access to and use of coastal lands, water and resources is a right that predates the founding of this country and has been woven into the fabric of our basic rights and principles. In the state of New Jersey, our coastline (including the ocean, bays and tidal rivers) is well known for its inviting coastal municipalities that provide visitors from near and far opportunities to enjoy the coastal experience. The allure of New Jersey’s coastline has proven so great that the vast majority of its more than 8 million residents live within 30 miles of the coast while development continues to bustle along the waterfront.⁵⁶

It is appalling that centuries of environmental policy and stewardship in New Jersey are being cast aside in a rush to install massive, unproven wind turbines and infrastructure in low income neighborhoods, popular and highly used ball parks built on and proposing that land swapped will be wetlands that need to remain and - in fact, are - undevelopable land, by their very nature as they are needed for the badly flood prone area of Atlantic City.⁵⁷

⁵² *Id.*, <https://dep.nj.gov/greenacres/state-land-acquisition/#:~:text=The%20Green%20Acres%20Program%20serves,areas%2C%20and%20wildlife%20management%20areas.>

⁵³ NJDEP DEIS Comments, July 3, 2023.

⁵⁴ *Id.*, <https://www.nj.gov/dep/greenacres/ga50/docs/roslite.pdf>.

⁵⁵ *See*, e.g., p. 3 at <https://dep.nj.gov/wp-content/uploads/offshorewind/docs/anbaric-boardwalk-power-link.pdf>.

⁵⁶ *Id.*, *Preface*, “NYDEP, Public Access in New Jersey: The Public Trust Doctrine and Practical Steps to Enhance Public Access,” <https://www.sesync.org/sites/default/files/case-studies/Coastal%20Decision%20Making%20Case%20Study%20-%20Reading.pdf>

⁵⁷ The Wetlands Act of 1970, N.J.S.A. 13:9A; *Id.*, at 41, “NYDEP, Public Access in New Jersey: The Public Trust Doctrine and Practical Steps to Enhance Public Access,” <https://www.sesync.org/sites/default/files/case-studies/Coastal%20Decision%20Making%20Case%20Study%20-%20Reading.pdf>

This destruction will fully occur by the proposed drilling, staging and operation of over 1,800 wind turbines⁵⁸ visible by the community, of a size greater than at least an 80 story skyscraper, with blades the size of a football field in length - taking together “as many as three offshore wind projects (Atlantic Shores North, Ocean Wind 1 and Ocean Wind 2) that could be under construction simultaneously in the New Jersey lease areas”⁵⁹ - combined with the new Projects - to measure in plain terms the “reasonably foreseeable effects of the Project on coastal use or resources,” which my Brigantine community can fully appreciate and that leaves us in despair.

That there would be such dangerous environmental and health effects because of installation and operation of the Projects as proposed, in the back yards of the Ritz residents and Chelsea neighborhood of Atlantic City, and not even 9 miles offshore Brigantine, taken together, begs the question: why the Projects are not moved to another already industrialized, more suitable, and uninhabited area?

Both Atlantic City – site of the Proposed project substation infrastructure facilities – and its neighbor Brigantine – only a few miles away – have the unique distinction of being situated amid the Projects at issue, in addition to other projects and offshore wind lease areas. Neighboring Atlantic City’s actions directly affect and impact Brigantine.⁶⁰ Both Atlantic Shores 1 and 2, taken together with Ocean Wind (which will certainly and expeditiously be re-bid)⁶¹ now contemplate over 1,800 wind turbines more than one and a half times the previous project in under a year. Thus, consideration of the Projects must be taken together with other lease areas and permits previously issued, including Ocean Wind, because of their cumulative effects and proximity to the same geographical area. In its Consistency Certification for another lease area in the direct vicinity of the Projects, Ocean Wind, NJDEP described:

The offshore portion of the proposed Renewable Offshore Wind Project known as Ocean Wind 1 (project) is proposed in federal waters beyond the three-geographical mile limit of the New Jersey territorial sea. Specifically, the offshore

(“The land immediately adjacent to tidal water often contains coastal wetlands. These wetland areas are a vital coastal resource serving as ... buffers that protect upland areas from the flooding.....”)

⁵⁸ See BOEM PEIS Docket No. 2023-0030 at 3.6.4-26 (700 turbines, less than one and a half times the number of turbines proposed less than one year ago); see also PEIS at D2-3, D2-4 (number of New Jersey turbines only, now totals 1,816 – more than one and a half times the amount than that proposed barely a year ago).

⁵⁹ Atlantic Shores DEIS, Sec. 3.6.4-26.

⁶⁰ City of Brigantine Resolution 2024-86, dated May 1, 2024, <https://brigantinebeach.org/wp-content/uploads/5-1-24-council-meeting-minutes-2.pdf>; see also <https://www.downbeach.com/wp-content/uploads/2024/05/Resolution-2024-86.pdf>.

⁶¹ See Neil Ford, “US offshore wind warnings pile pressure on 2024 auctions,” Reuters (December 1, 2023), <https://www.reuters.com/business/energy/us-offshore-wind-warnings-pile-pressure-2024-auctions-2023-12-01/>. See also Matthew Fazelpoor, NJBIZ, “NJ’s offshore wind sector gets back on track,” June 10, 2024, <https://njbiz.com/njs-offshore-wind-sector-gets-back-on-track/>.

portion of the project components include the installation of up to 98 Wind Turbine Generators, up to 3 Offshore Substations, and associated inter-array cables located within the Bureau of Ocean Energy Management (BOEM) Lease Area OCS-A-0498, which is located approximately 15 miles (13 nautical miles) southeast of Atlantic City, New Jersey. In addition, the offshore portion of the project includes two transmission cables that eventually make landfall in Ocean County and Cape May County, New Jersey. The segments of the two transmission cables that are located within the three-geographical mile limit of the New Jersey territorial sea, as well as those portions of the Project located on land within New Jersey, are being reviewed under separate application by the Division.

In its Federal Consistency Certification for the Ocean Wind 1 program, based upon the information contained in BOEM's Draft Environmental Impact Statement (DEIS), as well as Ocean Wind LLC's Construction and Operations Plan (COP), including the measures to avoid, minimize and mitigate the reasonably foreseeable effects associated with the project, it is appalling that NJDEP found that project to be consistent with the enforceable policies of New Jersey's Coastal Zone Management Plan. However, NJDEP had more reservations necessitating the following conditions, among other concerns⁶²

1. Provide appropriate compensation measures for fisheries' resources and fishing pursuant to a Memorandum of Understanding.
2. Implement all protective and mitigative measures as outlined in BOEM's Final EIS and Record of Decision for protection of fisheries, aquatic and benthic resources
3. Prior to construction, a Memorandum of Agreement shall be executed among the parties for the "avoidance, minimization and mitigation of project adverse effects on historic properties."
4. A Project Mitigation Plan shall be developed by Ocean Wind LLC with public engagement, and consultation with the appropriate state, federal, regional and NGOs, regarding expected impacts and mitigation measures, summarizing expected impacts, supply technical details for each mitigation measure, identify policies and standards used for compliance, be responsive to impacts detailed in project monitoring and other monitoring, research studies and initiatives.
5. "If avoidance and minimization to Prime Fishing Areas identified on NOAA and NJDEP's GIS layer depicting previously identified Prime Fishing Areas... is not feasible, then Ocean Wind LLC shall provide the Division of Land Resource Protection with information that clearly shows any changes to the bathymetry...."
6. For Wind Turbine Generators and Off Shore Substations with the potential to impact artificial reefs and species using those reefs within the Atlantic City Reef and Great Egg Harbor artificial reef sites, additional noise dampening devices that result in greater noise dampening shall be used to avoid and minimize impacts to habitats and species.
7. If any munitions and explosives of concern or unexploded are encountered during project construction, Ocean Wind shall immediately notify the United States Coast Guard of the munition and its location.

⁶² *Id.*, Atlantic Shores DEIS.

NJDEP thus conditionally authorized Ocean Wind’s Federal Constancy pursuant to all parties following the agreed upon guidelines for the construction of the proposed project: “Under 15 CFR 930.44, the Division reserves the right to object and request remedial action if any activities are conducted in a manner that substantially differs from that described in the DEIS and COP, [Construction and Operations Plan] or if the project effects the coastal zone in a manner that substantially differs from the effects described in the DEIS or COP.”

The importance of the cumulative effects of the Projects along with other lease areas and permits already issued by NJDEP cannot be overlooked and must be considered.

Fourth, New Jersey has unique environmental laws that promote conservation of its beautiful natural resources and protect the health of people in already over stressed areas, under its new Environmental Justice law with rules promulgated in July 2023, less than one year ago.

BOEM has already made clear there are real environmental justice implications as a result of the offshore wind leases’ impact. As New Jersey attorney Chris Placitella, succinctly noted:

BOEM answers the question posed by the [New Jersey] Blue-Ribbon Panel about the WTG impact on the Environmental Justice Communities. According to BOEM, the project creates “unavoidable” risks to Environmental Justice Communities and health risks “near ports as a result of air quality impacts from engine emissions associated with vessel traffic, construction activities, and equipment operation.”⁶³

Atlantic City, Brigantine, barely 4.5 miles away, as well as its neighbor, Egg Harbor Township, all in Atlantic County, all designated to have Overburdened Communities (“OBC”)⁶⁴ under New Jersey’s new Environmental Justice Law enacted in 2022. The Rules were only promulgated barely a year ago in July 2023.

“The NJDEP will utilize the revised stressor layer, ‘EJ Combined Stressor Summary OBCs and ABGs (effective 07/31/23 to 01/30/24),’ to evaluate relevant permits that come into the NJDEP on or after 7/31/23. Permits already in process prior to this date will continue to be evaluated based on archived stressor data. The stressor layer for these permits will be labeled ‘EJ Combined Stressor Summary OBCs and ABGs (effective 04/11/23 to 07/30/23)’ in EJMAP.”⁶⁵

The adverse health effects from wind turbine power are widely feared, yet not thoroughly studied. Brigantine residents such as myself, and others along the New Jersey Shore impacted by the Project leases, are terrified of a host of adverse health and environmental effects from the increased air pollution alone, among other reasonably foreseeable effects, that will surely result

⁶³ See Chris Placitella, Whitepaper, The Industrialization of the NJ Shore **The Truth**, www.SaveLbi.org, pp. 22-23; *Id.*, https://youtu.be/6kBa9M_RuS0?feature=shared.

⁶⁴ *Id.*, N.J.S.A 13:10-157, et seq., <https://dep.nj.gov/ej/law/>

⁶⁵ NJDEP’s EJMAP list of stressors. <https://dep.nj.gov/ej/communities/>

from both the construction and operation of the project as described in the EIS and COP for Atlantic Shores⁶⁶ as well as in the few documents available with the Public Notice.⁶⁷ That BOEM's own report of the potential for those same ships to pollute the air when construction begins in earnest was left unstudied is wholly unimaginable, especially taken in light of Atlantic City's and Brigantine's legally protected OBC populations.⁶⁸

For example, on the sites of the proposed Projects in Atlantic City at the Ritz Condominiums and Chelsea neighborhoods, there are NJEJ OBCs.⁶⁹

This project "greenwashes" the effect on human populations, notably its adverse air polluting effects on an already legally protected, and over-burdened population. According to NJDEP's EJMAP's list of stressors⁷⁰, Atlantic City's and Brigantine's OBCs, along with other OBCs impacted by these Projects, are subject to air pollutants and other reasonably foreseeable effects to be compounded by the Projects, through the mechanism of the building, construction, operation and maintenance, as detailed in Atlantic Shores' DEIS, and that have been inadequately assessed among the cumulative effects of the Ocean Wind, NY Bight, and other BOEM leases, combined with Atlantic Shores 1 and 2 and these substation infrastructure Projects.⁷¹

That is not all. The same sonar and operational noise that has been documented as confusing whales and causing mortality events can adversely affect humans.⁷² For example, more studies are needed to show that the noise from the pile driving and sonar activities are not certainly confusing the mammals and leading to localized stranding such as the baby seal pup only days ago ending up a quarter mile from the ocean right in the middle of a commercial street nearby along the New Jersey Shore in Ocean City.⁷³ Appendix D of the Draft New York Bight PEIS shows old studies based on 2019, five years

⁶⁶ See https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/AtlanticShoresSouth_AppA_Required%20Permits%20and%20Consultations_FEIS.pdf

⁶⁷ *Id.*, <https://dep.nj.gov/offshorewind/outreach/#public-comment-archive>.

⁶⁸ *Id.*, DEIS at E.1.1.1 Air Quality; https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/AtlanticShoresSouth_AppE_Analysis%20of%20Incomplete%20and%20Unavailable%20Info_DEIS.pdf.

⁶⁹ NJDEP EJMAP shows Ritz Condominium Association, 2715 Boardwalk Iowa Ave, Atlantic City, NJ, 08401, USA, and Chelsea, Atlantic City, NJ, USA listed as OBCs, <https://experience.arcgis.com/experience/548632a2351b41b8a0443cfc3a9f4ef6>.

⁷⁰ *Id.*, NJDEP EJMAP of Brigantine, NJ; <https://experience.arcgis.com/experience/548632a2351b41b8a0443cfc3a9f4ef6>

⁷¹ *Id.*, DEIS E.1.1.1; *County of Cape May, et.al v. U.S. Dept. of the Interior, et al.*, No. 1.23-cv-21201, U.S.D.C. (N.J.) (filed October 16, 2023); see also BOEM 2023-0030 and BOEM 2024-0001.

⁷² Presentation by Defend Brigantine Beach, August 2023, at 44-45.

⁷³ "Rescued Gray Seal Pup from Ocean City Dies Despite Treatment Efforts, Shore Local, February 22, 2024. <https://shorelocalnews.com/rescued-grey-seal-pup-from-ocean-city-dies-despite-treatment->

ago, not considering the cumulative impacts of the additional BOEM lease sites, thus nullifying the mitigation measures.⁷⁴ One can only imagine the cumulative effects of thousands of vessel traffic,⁷⁵ and noise, then layering the six lease projects in the NY Bight plus the additional BOEM lease areas in addition to the Atlantic Shores 1 and 2 Project areas all being worked on at once. The effects of which will result in not only thousands of “Takes” that BOEM estimated before the cumulative impacts of the NY Bight leases⁷⁶ – likely only a starting number, with additional EMFs, sound noise and ill effects on humans as well.⁷⁷

Under New Jersey common law, the nuisance effects of much smaller windmill operation’s decibel levels were found unsafe for human health by violating a Brigantine ordinance.⁷⁸ It is thus reasonably foreseeable, that the Project as described will violate the common law through the cumulative effects of the decibel levels when the Project is under construction and operational.

New Jersey has the tools in its landmark Environmental Law⁷⁹ and case law to deny the Projects’ permits on their face, for the reasonably foreseeable effects from the Projects on the health, environment and economies of Atlantic City and neighboring Brigantine.

While I believe that climate change and the need to mitigate its effects is urgent, the cumulative effects of these wind power projects that will reasonably and foreseeably affect Brigantine by location need to be balanced. The potential harm outweighs the potential benefits. Atlantic Shores 1 and 2 alone is alarming but, combined with the re-bid Ocean Wind, and now the NY Bight, along with the other BOEM leases, there are projected to be over 1,800 wind turbines directly situated in Atlantic City’s

[efforts/#:~:text=The%20Marine%20Mammal%20Stranding%20Center,a%20mile%20down%2042nd%20Street](#) . (“The Marine Mammal Stranding Center reported that the male grey seal pup rescued last week from the streets in Ocean City has died. The pup was stranded on February 7, after hauling out from the bay and traveling a quarter of a mile down 42nd Street.”)

⁷⁴ See PEIS, at D2-1.

⁷⁵ See PEIS, at 3.6.1.1.

⁷⁶ See BOEM 2023-0030.

⁷⁷ See NOAA-2024-00008, Jan. 5, 2024, <https://www.federalregister.gov/documents/2024/01/05/2024-00008/takes-of-marine-mammals-incident-to-specified-activities-taking-marine-mammals-incident-to>. Defend Brigantine Beach Inc. and Downbeach’s research team prepared a comprehensive 34 page Public Comment to NOAA dated February 5, 2024 regarding Atlantic Shores’ **new** Take request to **harass, harm, or injure** more marine mammals with underground sound from their wind surveys, discussing among other things the striking correlation between the more survey vessels there are, the more whale deaths there are as a result, at 9-11. See also PEIS at 3.5.2.2, *et seq.* and BOEM PEIS Docket No. 2023-0030.

⁷⁸ *Rose v. Chaiken*, 187 N.J. Super. 210 (Ch. Div. 1982) (holding that because of its character, duration, and volume, the noise created by the twenty-four hour a day operations of a windmill constituted an actionable private nuisance).

⁷⁹ *Id.*, <https://dep.nj.gov/ej/law/>.

and my neighboring City of Brigantine's OBCs and a whale migration zone, still proposed beginning less than 9 miles from shore. This is "greenwashing." In reality the permit applications contain the potential for heavy polluting construction and machinery, high decibel activity causing adverse health, and damaging effects to the economy while at the same time calling itself "green" and good for the environment. In fact, these projects are just the opposite – hurried, unstudied, and reasonably foreseeable to destroy the environment during construction and operation in the hope that the untested technology will produce renewable energy. Not to mention the reasonably foreseeable health impacts to the OBC protected environmental communities in Atlantic City, Brigantine nearby and neighboring Egg Harbor Township that live adjacent to the polluting effects of the massive wind turbine projects and infrastructure.

This untested technology⁸⁰ includes wind turbines much larger than have ever been used, associated infrastructure situated in the OBC designated areas of Atlantic City, Brigantine and Egg Harbor Township, in a whale migration zone, and offshore wind in New Jersey is clearly being unfairly favored in the application and permitting process. Yet, millions of taxpayer dollars that have already been spent to successfully protect and resurrect endangered species, including the Right Whale, is being wasted along with innocent animals through the project construction process, with more to come in the reasonably foreseeable future once the Projects are operational.⁸¹ As well, the Projects simply do not avoid disproportionate impacts on the citizens of Atlantic City, Brigantine, nor Egg Harbor Township, nor do they serve a compelling public interest, when their known health and pollution effects are too high and others need to be further studied by both state and federal governments.

In conclusion, NJDEP has the power to grant permit comment extensions for offshore wind projects less complex than these. An extension of the comment period by at least 60 days is a much more equitable period of time to correct for the lack of adequate notice and denial of due process rights, accommodate a reasoned parsing of the magnitude of these novel Projects of such size, scope and complexity, and to fully comment on the Projects.

Further, I respectfully request the permits for the Projects be denied, due to lack of adequate notice resulting in loss of due process, and the disproportionate impacts on the affected Overburdened Communities of Atlantic City, neighboring Brigantine City, and Egg Harbor Township, Atlantic County, among other reasons.

Very truly yours,

⁸⁰ See "Editorial: The wheels are coming off New York's insane alternate-energy plans," New York Post, October 15, 2023, <https://nypost.com/2023/10/15/the-wheels-are-coming-off-new-yorks-insane-alternate-energy-plans/>.

⁸¹ See NOAA-2024-00008, Jan. 5, 2024, <https://www.federalregister.gov/documents/2024/01/05/2024-00008/takes-of-marine-mammals-incident-to-specified-activities-taking-marine-mammals-incident-to-Defend-Brigantine-Beach-Inc.-and-Downbeach's-research-team-prepared-a-comprehensive-34-page-Public-Comment-to-NOAA-dated-February-5,-2024-regarding-Atlantic-Shores'-new-Take-request-to-harass,-harm,-or-injure-more-marine-mammals-with-underground-sound-from-their-wind-surveys,-discussing-among-other-things-the-striking-correlation-between-the-more-survey-vessels-there-are,-the-more-whale-deaths-result,-at-9-11>.

/s/ Anne M. Zaneski

cc: U.S. Congressman Jefferson H. Van Drew, R-NJ (Dist. 2)
N.J. Assemblywoman Claire Swift
Mayor Vincent J. Sera, Brigantine, NJ
Seth Grossman, Esq.
Steven L. Young
Dr. Suzanne K. Moore, Defend Brigantine Beach, Inc. and Downbeach

CONFIDENTIAL PERSONALLY IDENTIFIABLE INFORMATION

Sherri Lilienfeld
Margate, NJ 08402
SLilienfeld214@gmail.com

July 8, 2024

RE: Atlantic Shores – Green Acres Diversion Request

Paula Geletei City Clerk City of Atlantic City 1301 Bacharach Blvd. Atlantic City, NJ 08401	Katrina Angarone Assistant Commissioner New Jersey Department of Environmental Protection Watershed & Land Management Program 401 East State Street
Green Acres Program New Jersey Department of Environmental Protection Office of Transactions and Public Land Administration Public Land Compliance Section 401 East State Street, 7 th Floor	Janet L. Stewart Bureau Chief New Jersey Department of Environmental Protection Bureau of Coastal Permitting, Division of Land Resource Protection Watershed & Land Management Program

Via Electronic Filing and Email

**RE: Final Hearing – City of Atlantic City, Atlantic County – Atlantic Shores Offshore
Wind Project Cable Crossings (“Green Acres Diversion Request”)**

Dear Atlantic City Clerk Geletei, Assistant Commissioner Angarone, Ms. Stewart and Green Acres Program Team:

As a member of Defend Brigantine Beach, Inc. and Downbeach, and a Margate, New Jersey homeowner and stakeholder, residing less than five miles from Atlantic City, I am writing to respectfully to submit my rejection of the Green Acres Diversion Request by Atlantic Shores

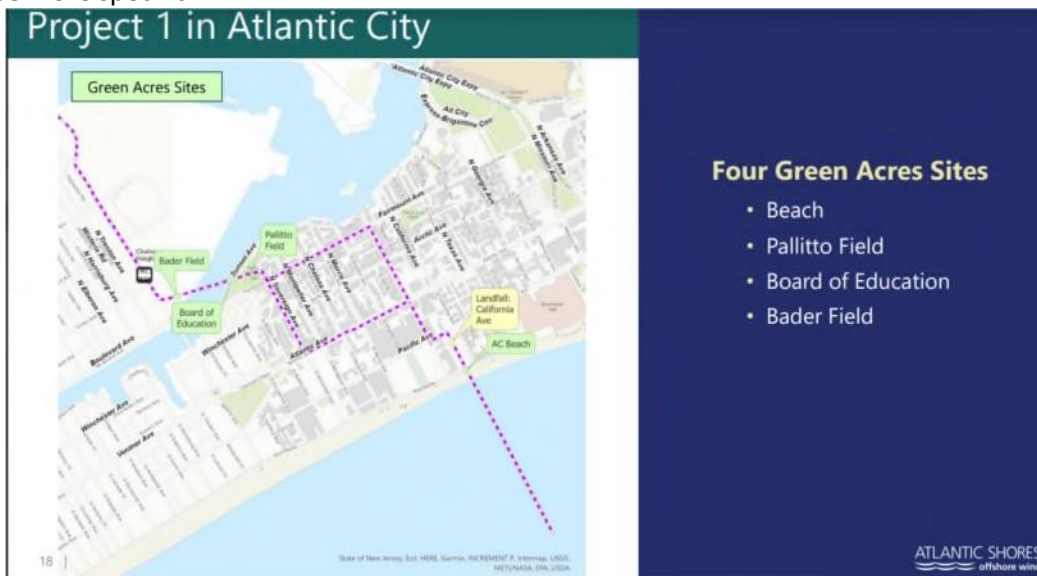
and submit comments regarding the Final Hearing – City of Atlantic City, Atlantic County – Atlantic Shores Offshore Wind Project Cable Crossings (“ Green Acres Diversion Request”). Atlantic Shores is seeking a diversion request for land that is highly utilized and has a tremendous value to Atlantic City and in exchange is suggesting encumbering land on the Bay land/wetlands off a highly trafficked road, that will never be developed, that is not convenient nor utilized by the majority of Atlantic City residents, therefore doesn’t need the Green Acres Program protection.

The proposed land for exchange **is supposed to be an equivalent or better parcel of land** to be protected in exchange. **This is clearly not the case here.**

Atlantic Shores is asking for land that is currently utilized as a public beach, a school park, boathouse, Bader field (which is developable land), in exchange for Green Acres protection of Bay land/wetlands that you can't use or develop. Just by definition of the Diversion Request, **this should flat out be rejected based on the proposed exchanged land being suggested.**

Reviewing the Final Permit Application that was submitted by Atlantic Shores Offshore Wind (Atlantic Shores (“Atlantic Shores Offshore Wind Project 1, Final Green Acres Diversion Application, Part 1, May 20, 2024” <https://atlanticshoreswind.com/wp-content/uploads/2024/05/Final-Green-Acres-DiversionApplication-Part-1-Full-Package.pdf>)), **there are major discrepancies and flaws by the analysis and evaluation of the land being suggested** as land to be encumbered and the land to be unencumbered by Green Acres Protection.

Let me be more specific.



Address	Block	Lot	Notes
Beach and S. Texas & S. Iowa	1	58&59	1.35 Acres
601 N. Albany Avenue, Bader Field	794	1	0.19 Acres
3411 Sunset Ave (piers - Lot 1.01), 3301 Fairmont Ave (Lot 2), 3301 Sunset Avenue (Lot 2.01)	370	1.01, 2 & 2.01	0.26 Acres - In water boathouse parcel and Pete Pallito Field
TOTAL			1.8 Acres
With Temporary Workspace			1.99 Acres

The Land is encumbered by the State of NJ Green Acres Restrictions.

***As compensation for the diversion of the City Owned Land described above,
the City agrees to encumber other City-owned lands North of West End Avenue.***

These blocks/lots are described below.

Address	Block	Lot	Notes	HUC-11 Watersheds
700 N. Annapolis Ave	757	1	Bay	Reeds Bay/ Absecon bay & tribs
700 N. Richmond Ave	756	1	Bay	Reeds Bay/ Absecon bay & tribs
700 N. Raleigh Ave	755	1	Bay	Reeds Bay/ Absecon bay & tribs
700 N. Columbia Ave	754	1	Bay	Reeds Bay/ Absecon bay & tribs
800 N. Annapolis Ave	753	1	Bay	Reeds Bay/ Absecon bay & tribs
800 N. Annapolis Ave	753	2	Bay	Reeds Bay/ Absecon bay & tribs
802 N. Annapolis Ave	753	3	Bay	Reeds Bay/ Absecon bay & tribs
804 N. Annapolis Ave	753	4	Bay	Reeds Bay/ Absecon bay & tribs
700 N. Bartram Ave.	752	1	Bay	Reeds Bay/ Absecon bay & tribs
700 N. Kingston Ave.	751	1	Bay	Reeds Bay/ Absecon bay & tribs
700 N. Tallahassee Ave.	750	1	Bay	Reeds Bay/ Absecon bay & tribs Patcong Creek/Great Egg Harbor Bay
700 N. Montgomery Ave.	749	1	Bay	Patcong Creek/Great Egg Harbor Bay
700 N. Jackson Ave.	748	1	Bay	Patcong Creek/Great Egg Harbor Bay
4501 Elizabetj Ave.	747	1	Bay	Reeds Bay/ Absecon bay & tribs
800 N. Kingston Avenue	746	1	Bay	Patcong Creek/Great Egg Harbor Bay
900 N. Kingston Avenue	745	1	Bay	Patcong Creek/Great Egg Harbor Bay
900 N. Kingston Avenue	745	3	Bay	Patcong Creek/Great Egg Harbor Bay

Appraisals

p. 58 (numbered p. 50) – Sales Comp. chart for the Beach Front Property (Block 1, Lots 58 & 59)

Nothing here is even a close comparable. Firstly, the comparables being used are from 2010, 2015, 2019 and 2020 respectively. Secondly, NONE are part of a much bigger infrastructure (i.e. A thriving

Comparable Land Sales Adjustment Analysis						
	Subject	Comparable Sale #1	Comparable Sale #2	Comparable Sale #3	Comparable Sale #4	Comparable Sale #5
Address	Beach & p/o Boardwalk	9-13 Beach Rd	Beachfront	22 E 80th Street	14-A E. Burlington Ave	910 Beach Ave
Municipality	Atlantic City	Ocean City	Point Pleasant Beach Boro	Harvey Cedars Boro	Harvey Cedars Boro	Cape May City
County, State	Atlantic County, NJ	Cape May County, NJ	Ocean County, NJ	Ocean County, NJ	Ocean County, NJ	Cape May County, NJ
Date	-	1/10/2020	1/4/2019	11/23/2015	9/4/2015	10/4/2010
Sale Price	-	\$125,000	\$2,300,000	\$45,000	\$12,000	\$150,000
Site Area (acres)	9.03	0.564	10.041	0.195	0.138	1.240
Price Per acre	-	\$221,631	\$229,061	\$230,612	\$87,120	\$120,969
Site Area (SF)	393,532	24,568	437,386	8,500	6,000	54,014
Price Per SF	-	\$5.09	\$5.26	\$5.29	\$2.00	\$2.78
Ocean/Beach Frontage (FF)	269	101	1411	50	60	54
Price /FF	-	\$1,238	\$1,630	\$900	\$200	\$2,760

Boardwalk which has a value bigger than the parts). You cannot even compare other solo beach lots that have independent value and even try to compare to the lots 58 & 59 being suggested. That is like taking a stone from a rare piece of jewelry like a royal jewel, and just appraising that stone independent of the whole. To get the accurate value of those lots, you need to come up with number that encompasses the WHOLE Atlantic City Boardwalk and the value to the City, the Tourism Industry, and the Rich History. You CANNOT just look at the lots and compare with other independent lots that aren't even remotely similar other than just being on the beach. If you do this, the value would be much, much higher, even invaluable.

In addition, the landfall of this Site is right next to the Ritz Condominiums, which is a HISTORIC LANDMARK site in Atlantic City. So Atlantic Shores is proposing to industrialize the beach and the side yard by this building? That is absolutely criminal.

The appraiser also states the following: **P. 105 – 107 - # 15** The value conclusion is subject to formal determination of the existence of any state or federal wetlands or other environmentally sensitive areas including all required buffer zones. I am not an expert in this field and it is considered imperative that the services of a qualified environmental expert be retained in order to make such determinations. Any environmentally sensitive area detected on the property could have an impact on the value estimated herein, and thus, I reserve the right to modify the value conclusion if such areas are found to be present on the property.

So how can you make a final determination when there are more questions to be answered? **P.**

138 – Pete Pallitto Field. (Block 370, Lots 2 and 2.01).

Comparable Sales Adjustment Analysis - Before the Taking						
	Subject	Sale 1	Sale 2	Sale 3	Sale 4	Sale 5
	3301 Fairmount & Sunset Aves Atlantic City Atlantic County, NJ	462-468 N Delaware Ave Atlantic City Atlantic County, NJ	417-435 N Massachusetts Ave Atlantic City Atlantic County, NJ	701 N Delaware Ave Atlantic City Atlantic County, NJ	600 N Delaware Ave Atlantic City Atlantic County, NJ	924 Bay Ave Somers Point Atlantic County, NJ
Sale Price	N/A	\$300,000	\$900,000	\$3,150,000	\$475,000	\$725,000
SF of Land	164,105	5,412	52,000	188,939	25,392	61,640
Sale Price/SF	N/A	\$55.43	\$17.31	\$16.67	\$18.71	\$11.76

“Atlantic City, circa March 1965, there was an abandoned softball field at Sovereign Avenue and the bay; an open field with a pitcher’s mound and home plate being used as an adult softball league. It’s a location that gets passed by hundreds of motorists daily on their commute to or from work. One of those motorists was Pete Pallitto, an A.C.

businessperson and visionary. Pete had a young family of two boys ages 5 – 7 and realizing summer was fast approaching with no playground facilities to occupy his two young sons’ time, he had a vision to utilize the abandoned field for a baseball / playground facility.

After some research, Pallitto found out the park was owned by the city. Pallitto, being a neighbor of Atlantic City Mayor Richard Jackson who also had two young boys, figured it would be an easy sell to the mayor for development of that abandoned field. Pallitto’s hunch paid off; Mayor Jackson embraced the idea wholeheartedly with the stipulation of a dollar management fee and the city maintain control of park. With the green light from the mayor, Pallitto agreed to spearhead the project. Now, Pallitto sitting with nothing more than a dirt lot with a pitcher’s mound and home plate, started to wonder what he had gotten himself into.

Pallitto owning numerous businesses in the city, started to spread the word of his idea among fellow business leaders and the city neighborhoods with anticipated interest being embraced for his idea. With adult volunteers and Pallitto at the helm, a Board of Directors was elected and The Chelsea Little League was born. Back in the sixty’s, Atlantic City was a working-class city, with no shortage of craftsman and laborers who were more than willing to volunteer their time and effort to construct a ballfield and playground for their children to play.

Now with the field and labor in place, the remaining hurdle to overcome was financing. Pallitto started thinking that if he sold advertising and team sponsorships it would at least get the project off the ground. Pallitto, in his persistent way, approached his fellow business owners, convincing them that outfield fence advertising and team sponsorship was nothing more than a plus for their business. Response was overwhelming, and in the summer of 1965 Chelsea Little League with a 4-foot-high plywood fence, wooden scoreboard and construction trailer as a clubhouse and concession stand (with Pallitto’s wife selling hot dogs from a crock pot and boxes of Cracker Jack) fielded six teams, with 15 children per team.

With each passing season, construction and Improvements were implemented with over three hundred children in the seventy’s enrolled in Little League, spending their summers enjoying America’s pastime. In 1991, the field was officially named, Pete Pallitto Field, to celebrate the man who had a dream and the determination to bring something special to the kids and residents of Atlantic City.

Would this be an honor Pete Pallitto for his vision and contributions in the development of a baseball field that has been enjoyed by so many since the first games in 1965? NO THANKS ATLANTIC SHORES!! This is a family/community field utilized by many in the Atlantic City neighborhoods. Again, hard to put a price on this!! This field is irreplaceable for the community.”

YOU CANNOT PUT A VALUE ON THIS PROPERTY AS LAND TO DEVELOP. THE VALUE IS FOR HOW IT IS USED BY THE COMMUNITY. THIS IS A FAMILY PARK BUILT BY THE PEOPLE FOR THE PEOPLE. Do you really think some walking platform off wetlands that is **not convenient** for the majority of the population of Atlantic City off a busy road has the same value? Your standard appraisal approach does not adequately put the correct value on this land.

p. 233 AC Boat House Comparables – (Block 370, Lot 1.01).

Comparable Sales Adjustment Analysis - Before the Taking						
	Subject 3401 Fairmount & 3411 Sunset Atlantic City Atlantic County, NJ	Sale 1 462-468 N Delaware Ave Atlantic City Atlantic County, NJ	Sale 2 417-435 N Massachusetts Ave Atlantic City Atlantic County, NJ	Sale 3 701 N Delaware Ave Atlantic City Atlantic County, NJ	Sale 4 600 N Delaware Ave Atlantic City Atlantic County, NJ	Sale 5 924 Bay Avenue Somers Point Atlantic County, NJ
Sale Price	N/A	\$300,000	\$900,000	\$3,150,000	\$475,000	\$725,000
SF of Land	54,583	5,412	52,000	188,939	25,392	61,640
Sale Price/SF	N/A	\$55.43	\$17.31	\$16.67	\$18.71	\$11.76

Again, you cannot put an accurate value to the community and the history of Atlantic City on the AC Boathouse easement by looking at comparables of stand alone lots on non-descript streets that have no

value other than to build a single family home. This is a community location with a deep history and value to the Atlantic City and Academic community. **P. 323 – Bader Field (Block 794, Lot 1).**

Comparable Land Sales Adjustment Analysis - Before The Taking						
	Subject 601 N Albany	Sale 1 Old York Road	Sale 2 Masonville-Fostertown & Union Mill Roads	Sale 3 Sicklerville & Four Mile Branch Rds Winslow Twp	Sale 4 Various Bordentown Twp, etc	Sale 5 1603 Route 35 Ocean Twp
	Atlantic City Atlantic Co, NJ	Upper Freehold & Robbinsville Twp Monmouth & Mercer Co.	Mount Laurel Twp Burlington Co, NJ	Camden Co., NJ	Burlington Co, NJ	Monmouth Co., NJ
Sale Price	N/A	\$15,000,000	\$13,700,000	\$7,200,000	\$8,100,000	\$10,000,000
Useable Land Area (Acres)	142.59	77.00	67.95	20.82	36.15	23.40
Sale Price/Acre of Land	N/A	\$194,805	\$201,619	\$345,821	\$224,066	\$427,350

Again, you cannot look at this property and come up with comparables in other townships and other Counties. This is not an apples to apples comparison. All, but the last one, were large plots of land in the middle of residential neighborhoods, except for the last one, which is on the water but had a large amount of unusable land due to wetlands (interesting.....that wetlands qualifies a comparable as unusable, but you are suggesting to take all of the Green Acres Protected land and exchange it for unusable wetlands!).

The proposed Bader Field development is unique because it has waterfront and is on a main thoroughfare to Historic Atlantic City which offers beautiful beaches, nightlife and entertainment. It is a unique location and there are multiple proposals on the table. Approving the Green Acres Diversion will hamper it's development ability.

It also states that the property will be impacted by permanent easements as well as temporary easements.

Permanent Easement On Property Value and Use (more contradictions):

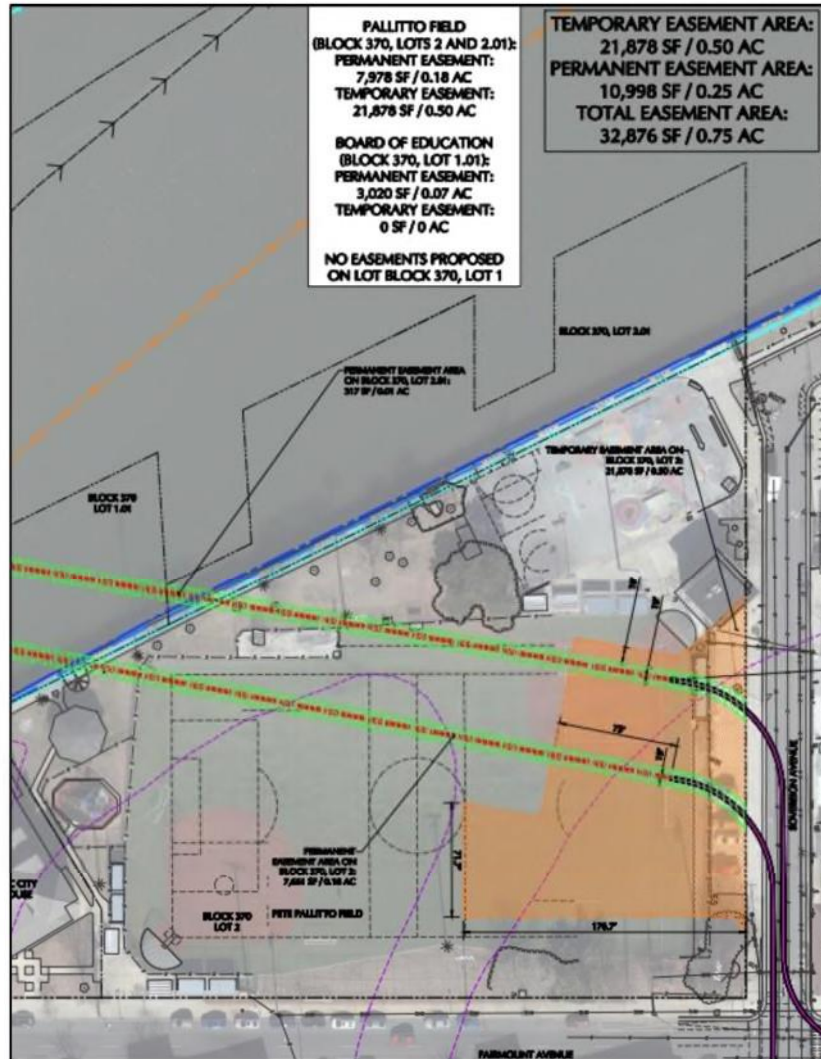
pp. 53 (Ocean Land), 143 (PP Field), 238 (Boathouse) 328 (Bader Field) – Property Owner’s Future Right of Use - This gives the Atlantic Shores Offshore Wind Corporation the permanent right-of-way and/or easement in, on, over and across the property for the purposes of laying, constructing, installing, maintaining, repairing, reconstructing, replacing, relocating, inspecting, patrolling, altering, adding to, removing and operating electric transmission line or lines, together with associated appurtenances, wires, conduits, cables, cable vaults, cable conduits, manholes, fiber optic fibers, strands and lines and other communication equipment and related improvements necessary or desirable, and to have the right at any time or times to lay additional transmission lines and appurtenances and to operate, inspect, maintain, repair, replace, renew, substitute, reconstruct and remove all electric transmission lines and appurtenances built on, along or under the rights hereinafter described.

The owner, or its assigns will retain the right to use the area within the easement. However, foundations and structures will be prohibited above the conduits.

p. 59, 150, 244, 337 - New Utility Easement Area (permanent): “The encumbrance of the utility easement shall affect an area totaling 0.07 acre or 3,020 SF. **The utility easement will have minimal impact on the development potential of the site.** A previously stated, the easements are located within the water covered portion of the site (Lot 1.01) and would have nominal impact on the value of the site. The upland portion of the site (Lot 1) is not impacted by the easement. Therefore, a 10% reduction in the value of the land to be encumbered has been estimated as most of the rights of ownership will remain with the property owner. The damage as a result of this encumbrance is estimated as follows and reflects the market estimate of \$16.00/SF of land.” ***This is a complete contradiction with what you say above. So how can you say this? Could you build anything on top of a major utility line whereby***

the utility has a permanent easement? What if Atlantic Shores needs to access the lines? Do they remove any permant structures above? What if the new owner or developer has to put pilings in to build? The statement above is the most ridiculous statement.

Just looking at Pete Pallitto Field (p. 142), the permanent easements go to right through the property in two areas. How can you possible state that these PERMANENT EASEMENTS will have minimum impact on the development of this site? That is just such a ridiculous statement.



On p. 147 of the final application, it is stated that the highest and best use for this field is residential development (which I actually don't agree with...the highest and best use is the current use as a park for the families of Atlantic City), but running with this concept, it is such an exaggeration and outright lie to say that building and development of this site will not be impacted by these easements since the cables will be underground but in contrast the report also states that **“the Atlantic Shores Offshore Wind Corporation will also have the permanent right-of-way and/or easement in, on, over, and across the property.”** So it can't be both! Which is it? More contradictions to intentionally mislead.

Issues with onshore cables, water contamination and soil movement/structural damage:

Your public hearing presentation on July 27, 2023 (and slides) as well as your follow-up presentation on June 25, 2024 was very vague and superficial and did not cover any important details of the following questions which will need to be answered BEFORE an educated decision is made:

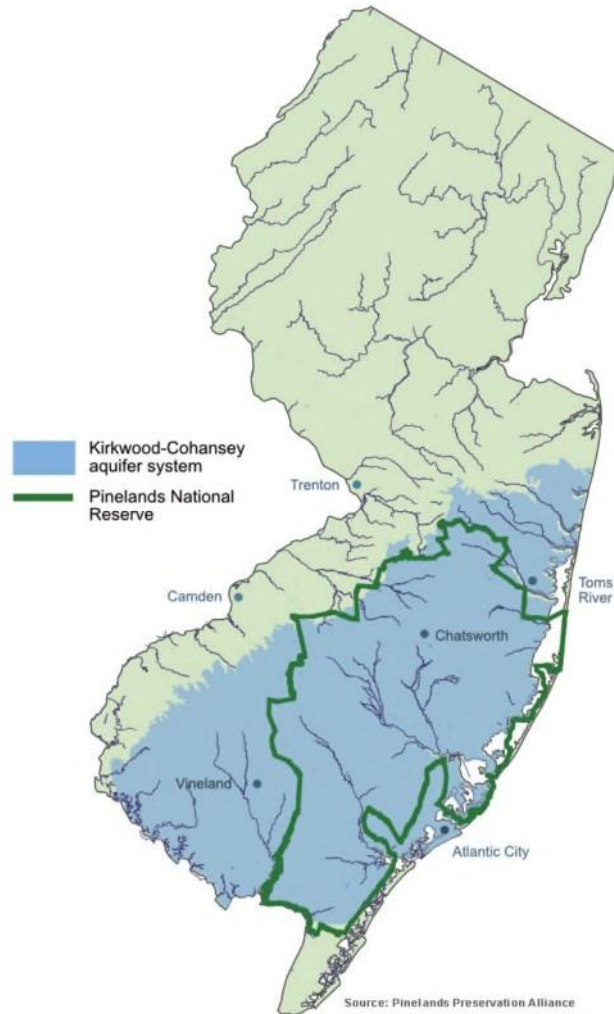
- Do you have a detailed drawing of the depth along the entire route for the cables? I see some drawings like at the Landfall Site on the parking lot, but as far as more details along the 13 mile cable route, the details are very lacking.
- The drawings and explanation **should include details on invasion of water table and aquifers.**
- Will any infrastructure be compromised or damaged? Again, your drawings should include details on any infrastructure being compromised due to this drilling and the sizes of the trenches needed for the cables.
- What is the size of the of cable(s) (diameter)? You never state this in your reports.
- What is the sheathing material of the cables (LEAD!)?
- Do you have studies and data on the leaching of the cable materials like the lead, plastics and other metals and contamination into our water table? Please explain potential contamination of our vital water source (**The Kirkwood-Cohansey Aquifer** - *the aquifer provides critical, fresh water to coastal estuaries, like Barnegat Bay, and to the Delaware River and Delaware Bay. Because it is so shallow, it is easily polluted by fertilizers, herbicides, pesticides and chemicals that are spread or spilled on the ground's surface. Also, over-pumping or excessive withdrawals of fresh water harms wetlands and unique plant and animal species that rely on the special characteristics of pure Kirkwood-Cohansey water.*).
- How will you access the cables that need to serviced over time? Also, will there be any potential issues with infrastructure and our water table when they need to be serviced?
- What EMFs are given off by the cables that can be detected on the ground above the cables?

Other non-technical questions to be answered:

- How long will construction take? It looks like 18 months but if you need to stop in the summer, is that timeframe extended by 3 months x 2 summers?
- Are there traffic studies regarding the timing of the disruption to normal traffic along the route of drilling and construction.

My Main concerns are:

- CONTAMINATION OF OUR NATURAL WATER SOURCES.
- COMPROMISING INFRASTRUCTION AND CAUSING PROPERTIES TO SHIFT AND POTENTIALLY SINK.
- REMOVAL OF TREES.
- THE EMFs THAT WOULD BE AN ISSUE FOR RESIDENTS.
- POTENTIAL SINK HOLES AND/OR SOIL SHIFTING THEREBY CAUSING SHIFTING OF STRUCTURES LIKE HOMES AND CONDO BUILDINGS AS A RESULT OF THE DRILLING AND CHANNELS MADE FOR THE CABLES.



The Kirkwood-Cohansey aquifer is a vast underground reservoir containing some 17 trillion gallons of fresh water in southern New Jersey. It is a shallow, unconfined or “water table” aquifer meaning that the water in the ground is just below the land’s surface in most areas. Most water in wetlands, lakes, streams, and rivers in southern New Jersey is water that seeps or flows directly from the ground from the Kirkwood-Cohansey aquifer.

The Kirkwood-Cohansey aquifer is comprised of what are known as the Kirkwood and Cohansey geologic formations, which include underground, water-saturated layers of sand, fine gravel and some clay-like material. **In some areas the Kirkwood-Cohansey aquifer is connected to deeper aquifers like the Atlantic City 800-foot sand aquifer, which is close to coastal areas and a primary source of drinking water for Jersey shore communities. Confining layers, comprised of an impermeable clay-like material, separate aquifers and prevent or inhibit water from moving from one aquifer to another.**

Another case and point to consider. Recently in Margate a Sewer line needed to be replaced. The project affected the water table and 7 houses along a very short stretch of road (Amherst Avenue) started shifting and had severe damage to their homes. Huge law suits. The homeowners had to wait with their sinking, unsafe homes while they waited for help and insurance money to fix their homes. What happens if buildings (especially large ones like the Ocean Club) start shifting due to this trenching and digging to put LARGE underground cables.

Other questions to be answered BEFORE this project is approved:

- Will there be a risk of sink holes or shifts in properties as a result of running these cables underground?
- Who will be responsible for all the displaced residents and repairs if things start to shift with this trenching to pull these underground cables through?

This is a barrier island with lots of underground water tables. Disrupting the water tables could lead to unforeseen problems that could be devastating. Read the following articles about the problems Margate faced from a project much smaller in magnitude than what is being proposed. They were only digging about 6 feet underground but severe soil movement and property damage resulted in the work.

<https://www.downbeach.com/2021/07/20/margate-homeowners-ask-for-citys-help-in-repairing-theirdamaged-homes/> <https://downbeachbuzz.com/margate-preps-for-court-battle-over-amherst-property-damage/>

<https://downbeachbuzz.com/margate-deflecting-liability-in-amherst-street-collapse-where-multiplehomes-were-damaged/>

Excerpts from BOEM Geotechnical Study

P.5 The Atlantic OCS is considered by BOEM to be a “Frontier Region” where little information exists about the geologic conditions and how those conditions may impact development of offshore wind

farms. In contrast, regions such as the Gulf of Mexico, Baltic and North Seas have significantly more information and experience regarding geologic conditions and how those conditions may affect construction and performance of oil and gas structures and offshore wind structures. Although experience in planning, designing, constructing, and operating marine structures in those regions provide valuable knowledge that can be transferred to the Atlantic OCS wind industry, the combination of water depths, geologic conditions, and wind farm developments will present a unique combination of variables for the nascent US Atlantic wind industry.

P. 12 Site Investigation and Characterization. Oil and gas platforms are generally widely spaced and have a limited footprint. Hence, site investigation and characterization for such projects is generally focused on a limited area. On the other hand, commercial wind farms comprise a large number of turbines spread over a relatively large area. Therefore, it is likely that several geologic conditions and features within a single wind farm (e.g. sand waves or paleo-channels) will be encountered. Therefore, both site investigation and site characterization play a major role in a successful design of a wind farm. Unless required by a certifying body (e.g. ABS, DNV or Lloyd’s Register) or regulatory agency, it will almost always be more cost-effective to perform geotechnical investigations at a limited number of locations and conduct a detailed / broad-based geophysical investigation to tie the exploration together. In this case, the integration of geophysical and geotechnical information becomes an integral component to defensible wind farm design. While the cost of an offshore geotechnical investigation is generally a small fraction in the overall cost of an oil and gas platform, it represents a significantly higher percentage for the overall cost of the foundation system of a wind turbine (Landon Maynard and Schneider 2010). Hence, it is critical to optimize the offshore site characterization program from a cost perspective.

p. 13 Several agencies have prepared various documents that provide detailed guidelines and recommendations regarding the site investigations (geophysical and geotechnical), analysis, design and

installation of the various foundation systems. The scope of this document is to provide the reader with more generic guidelines that can greatly assist in preparing site investigations and laboratory testing programs. For further details, the reader is referenced to the guidelines provided by the following agencies (referenced in the upcoming volumes as applicable). It is important to note that this is not intended to be a comprehensive list of all available guidelines / agencies:

- Det Norske Veritas (DNV; e.g., DNVGL-ST-0126)
- American Petroleum Institute (API; e.g., API RP 2GEO)
- American Bureau of Shipping (ABS; e.g., ABS, 2014a and ABS, 2014b)
- Norwegian petroleum industry (NORSOK Standards; e.g., NORSOK G-001)
- International Organization of Standardization (ISO; e.g., ISO-19902)
- Guidelines for Providing Geophysical, Geotechnical, and Geohazard Information Pursuant to 30 CFR Part 585 by BOEM
- Geotechnical & Geophysical Investigations for Offshore and Nearshore Developments by the International Society for Soil Mechanics and Geotechnical Engineering (ISSMGE)
- Guidance Notes for the Planning and Execution of Geophysical and Geotechnical Ground Investigations for Offshore Renewable Energy Developments by the Society for Underwater technology (SUT).

p. 17 Inter-array cables connect each turbine to the electrical service platform (ESP), while the export cable is typically the main cable that connects the whole wind farm, through the ESP, to an onshore grid. Conducting a cable burial risk assessment is an integral part of the design of an offshore wind farm. An essential step in this risk assessment study is to conduct a detailed site characterization by integrating geotechnical and geophysical data collected along the different cable routes (especially the export cable).

Public need or public benefit?

Atlantic Shores LLC has not proven that their project meets the criteria for compelling public need or significant public benefit as required by N.J.A.C. 7:36-26.1(d). Specifically, their project does not:

- Improve regional air quality
- Provide artificial reef habitats without harming natural fish habitats
- Reduce carbon emissions enough to impact climate change
- Protect natural resources in the State
- Their justification is primarily to meet New Jersey's renewable energy mandate, which differs from directly combating climate change.

Additionally, many residents in climate justice areas of Atlantic City are likely unaware of the project's details. Many neighborhoods, primarily minority populations (81%), would be significantly disrupted. Environmental justice laws, both federal (Executive Order 12898) and state (NJ Governor's Executive Order No. 23), mandate fair treatment and meaningful involvement of all people in environmental matters. The NJ Department of Environmental Protection (DEP) guidance requires that any adverse impacts on these communities be minimized.

Atlantic City's codes require:

- Right to a healthy environment
- Right to complete and accurate information about environmental impacts

□

Environmental Commission to promote conservation and public health

- Equal employment opportunities with a focus on minority contractors

Atlantic Shores has not demonstrated compliance with these requirements or shown how they have informed and protected the affected communities. Questions remain about their efforts to engage and inform the public and to ensure job opportunities for minority populations.

Chapter 21A: Environment

Right to a Healthy Environment:

Every resident of Atlantic City is entitled to a healthy and safe environment. This means maintaining high standards for air, water, land, and food quality, allowing individuals and communities to live healthy and dignified lives. The responsibility to enhance, protect, and preserve Atlantic City's environment falls on the government, residents, citizen groups, and businesses—not just Atlantic Shores.

Right to Know:

The community has the right to complete and accurate information about potential health and environmental impacts of any projects. The responsibility to provide this information lies with the project proponent, in this case, Atlantic Shores.

Chapter 21B: Environmental Commission

Purpose: The Atlantic City Environmental Commission aims to:

- Protect and conserve the city's land, air, water, and natural resources.
- Educate the public and advise the city government on the best methods for protecting these resources.
- Promote public health by informing the public and the city government about environmental health hazards.

Chapter 7: Equal Opportunity Employment

Requirements for Businesses:

Any business wishing to operate in Atlantic City or bid for public contracts must:

- Submit an equal employment opportunity affidavit.
- Make a genuine effort to use minority contractors and suppliers who pay prevailing wages.
- For businesses using government funding or tax abatements, at least 10% of contractors and suppliers must be minorities.

Concerns with Atlantic Shores

Atlantic Shores has not shown compliance with these federal, state, and city requirements. Key concerns include:

- What commitments have been made to protect the health, safety, and well-being of environmental justice populations?
- How has Atlantic Shores ensured that these populations are fully informed about the project's environmental impacts?

□

What data does Atlantic Shores have to show that the affected populations understand these impacts?

- What methods does Atlantic Shores use to ensure that environmental justice populations have been properly informed?

Net Negative Impact on Coastal Economy

Atlantic Shores fails to address the wind development project's negative impact on Atlantic City's and Atlantic County's tourist economy. Reduced tax revenues will limit local governments' ability to provide essential services, especially in Climate Justice Areas.

The BOEM's DEIS for Atlantic Shores South indicates that constructing and installing up to 200 wind turbines and associated structures will negatively impact recreational fishing and boating. The cumulative negative impacts of other nearby offshore wind projects, collectively adding up to 1,816 turbines and thousands of miles of cables by 2030, will cause long-term adverse effects such as:

- Increased risk of collision and gear entanglement
- Navigational hazards and space use conflicts
- Visual impacts
- Potential decrease in fish stocks due to fish aggregation and increased predation
- Increased risk of entanglement with fishing gear due to scour protection and cable infrastructure

Atlantic Shores and BOEM claim potential benefits to tourism through new recreational fishing and sightseeing opportunities, citing a study by Smythe et al. (2018). However, this qualitative study lacks significant economic data and is based on a much smaller wind farm, strategically located to minimize the visual impact on popular beaches and marina, making it an unreliable comparison.

Other studies used by Atlantic Shores are based on visualizations of smaller turbines, typically half the size of those planned for this project. A study by the University of New Hampshire (2020) had no visualizations, and another by Lutzeyer et al. (2017) showed significant negative impacts on tourism related to nighttime views, which BOEM misrepresented.

In summary, Atlantic Shores and BOEM have not adequately considered the larger size and scale of the turbines and their cumulative potential negative impacts on the local tourist economy. The government agencies authorized to determine the viability and environmental impact of the offshore wind projects have failed to prepare rigorous scientific surveys and studies on the projects' impact on NJ tourism. The agencies have also failed to prepare any studies on the impact of residential real estate values. This oversight could be seen as gross negligence and leaves the wind developers and agencies exposed to litigation.

Damage to Atlantic City Neighborhoods from EMF Cable Installation

The installation of onshore cabling, including trenching, horizontal drilling, and jack-and-bore, will degrade tourist areas and impact underserved populations in Atlantic City. The project will:

Remove a full-block parking lot in the middle of a major tourism area in Atlantic City, despite 49% of tourists rating convenient parking as very important aspect of visiting beaches (NOAA survey).

□

- Claim 2.5 acres of parkland and temporarily impact an additional 11 acres. Replacing this land outside Atlantic City doesn't benefit local residents.
- Create noise, air pollution, limited access, and dust, disrupting neighborhoods, destroying properties and tourist areas.
- NJDEP has failed to inform the public of the duration and impact of the onshore wind development activities as evidenced by Dominion Energy's onshore cable drilling in residential neighborhoods at the cable landing site in Virginia Beach. Reports from residents include home vibrations, pounding and excessively loud noise, homes shaking, walls of homes cracking, and destruction of peace and quiet.

Health Risks of EMF Cables

There are significant health risks from EMF (Electro-Magnetic Frequency) emitted by high-voltage underground cables:

- Atlantic Shores uses guidelines from the International Commission for Non-Ionizing Radiation Protection (ICNIRP), which are not widely respected. Reliable sources like the WHO and the Institute for Research in Immunology and Cancer (IRIC) are preferred.
- In 2011, the WHO and IRIC classified EMF exposure as "possibly carcinogenic." Studies show even low EMF levels can be harmful.
- A 2022 meta-analysis found a twofold increase in childhood leukemia with exposure to extremely low frequency-magnetic fields (ELF-MF).
- Another study found that children of pregnant women exposed to 4 milligauss or higher were 14 times more likely to develop cancer within four years. Long-term exposure to high-voltage power lines increased the risk of fetal development disorders and central nervous system defects.

Atlantic Shores plans to run EMF cables through residential neighborhoods, parks, and near schools, potentially exposing children and pregnant women to harmful levels of EMF. Their documents state that export cables will operate at up to 349 milligauss, far above the 4 milligauss level found potentially dangerous in studies. Have these risks been communicated to the affected communities?

Also attached are the following reports:

- Atlantic Shores, Appendix E – Analysis of Incomplete and Unavailable Information.
https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/AtlanticShoresSouth_AppE_Analysis%20of%20Incomplete%20and%20Unavailable%20Info_DEIS.pdf
- Atlantic Shores Offshore Wind, Construction and Operations Plan, Lease Area OCS-A 0499: Atlantic Shores South, Volume II: Affected Environment, May 2024.
https://www.boem.gov/sites/default/files/documents/renewable-energy/stateactivities/AtlanticShoresSouth_Volume%20II_AffectedEnvironment_05-01-2024_rev1.pdf

Interesting how a lot of this report is "confidential" or redacted. Where is the full disclosure??

Defend Brigantine Beach
Defendbrigantinebeach.org

Conclusion

Based on the issues we've highlighted, we see no reason for any level of government, including the New Jersey Department of Environmental Protection (NJDEP), to approve Atlantic Shores LLC's Green Acres diversion permit. The proposed land for exchange **is NOT an equivalent or better parcel of land** to be protected in exchange. In addition, Atlantic Shores violates Environmental Justice rights and does not comply with Federal, State, or Atlantic City laws designed to protect residents in environmental justice areas from harmful impacts on their beaches, streets, parks, and neighborhoods.

Atlantic Shores has not addressed the significant negative impacts their project will have on public health, safety, welfare, or the local economy. The project will hinder the local government's ability to provide services and will harm the Atlantic City, Atlantic County, and New Jersey coastal economies.

Sincerely,
Sherri Lilienfeld
Margate, NJ