

**Frank Huttle III**  
Member of the Firm  
fhuttle@pashmanstein.com  
Direct: 201.270.4944



October 19, 2023

Janet Stewart, Manager  
Bureau of Coastal Permitting  
P.O. Box 420, Code 501-02A  
Trenton, New Jersey 08625

**Re: *Atlantic Shores Offshore Wind, LLC***  
***Supplemental Public Comments on Request for Federal Consistency Certification***

Dear Ms. Stewart:

On behalf of Long Beach Township, Beach Haven, Ship Bottom, Barnegat Light, Surf City, and Harvey Cedars (the LBI Municipalities) as well as Brigantine,<sup>1</sup> we submit this supplemental comment letter on the pending request by Atlantic Shores Offshore Wind, LLC (Atlantic Shores) for a Federal Consistency Certification.

Since submitting our June 29, 2023 comment letter, the LBI Municipalities retained Interface Multi-Media to produce expert visual renderings of the impact the turbines Atlantic Shores will have on the view from the beach in Holgate and Long Beach Township:



---

<sup>1</sup> Brigantine joins in full in the LBI Municipalities' June 29, 2023 public comment letter.

Court Plaza South  
21 Main Street, Suite 200  
Hackensack, NJ 07601

Phone: 201.488.8200  
Fax: 201.488.5556  
[www.pashmanstein.com](http://www.pashmanstein.com)

October 19, 2023

Page 2



Larger copies of these renderings are attached to this letter, and an animation of the view from Holgate is available at <https://vimeo.com/865989588/ed41118942>.<sup>2</sup>

These renderings were created using the most accurate geolocation data of the wind turbines available, as provided by the Bureau of Ocean Energy Management (BOEM). This data was incorporated into a 3D computer model and overlaid over photographs taken in Long Beach Township with a 50mm camera lens, and accurately represent what the human eye will see. Everything from the colors of the paint on the blades and foundations to the shadows from the sun were accurately modeled to the time and day the photographs were taken.

These renderings reflect that Atlantic Shores' visual impact study – as damning as it is in showing that the turbines will have a significant visual impact from the shore, as Atlantic Shores must concede – understate the impact. The turbines will dominate the view on peak beach days. Plethora of evidence included in the LBI Municipalities' initial submission demonstrates that turbines of this scale, this close to shore, will have severe impacts on tourists' willingness to continue to visit these beach communities, and have a resulting drastic negative economic impact on the LBI Municipalities. These impacts are inconsistent with DEP's Coastal Zone Management rules for the reasons detailed in the LBI Municipalities' initial submission, and DEP should decline to issue the consistency certification as a result.

---

<sup>2</sup> This rendering reflects the view from the beach between W McKinley Avenue and W Cleveland Avenue in Holgate.

The LBI Municipalities also wish to express their continuing substantial concerns with the other impacts of the proposed turbines identified in their initial comment letter, including the impacts on the fishing industry, in particular in Barnegat Light. DEP itself appears to have conceded there will be adverse impacts, and these impacts mean the Atlantic Shores' project cannot be found consistent with DEP's coastal zone management regulations.

Specifically, the LBI Municipalities have reviewed DEP's consistency certification issued in connection with the Empire Wind project, which is proposed to be constructed to the northeast of the Atlantic Shores project. In DEP's analysis accompanying that certification, it addressed and acknowledged that project's potential impacts to shellfish habitat, surf clam areas, and prime fishing areas. DEP also acknowledged the resulting negative impact the project would have on commercial and recreational fishing and ports along the New Jersey coast, including Barnegat Light, finding "[s]horeside impacts are certain if landings are impacted." Those impacts will be the same or greater for the Atlantic Shores project.

Moreover, DEP's own comments on the Draft Environmental Impact Statement ("DEIS") for the Atlantic Shores project acknowledged that this project as proposed will negatively impact benthic habitat, included the slough and sand ridge complex which "provide habitat for a variety of fish species and benthic infauna." Comment Ltr at 2. DEP's letter acknowledged that the impacts of the turbines on this habitat "would not be temporary," would alter sand waves that "may be many thousands of years old," that there is not yet scientific literature evaluating the impact of removing this habitat, and "[t]here is no clear evidence that the habitat created by turbine foundations provides similar ecosystem services." *Id.* A precautionary approach should be utilized in the absence of definitive science and, at a minimum, that DEP *should not* find the project consistent with its coastal policies until such studies have been performed to evaluate the impact of alteration of these habitats.<sup>3</sup>

DEP also acknowledged in its comments that it is not just the turbines, but also submarine cables that will cause adverse impacts to commercial fisheries. If the cables are not buried – or even if they are, as they will likely become exposed over time – fishing would be inhibited as commercial fishers would be unable to trawl in these areas without risking damage to the cables.

LBI's commercial fisheries rely upon these offshore habitats for fishing, trawling for flounder and other aquatic species, and for passing through to areas further offshore. Any disturbance – to the extent fishing boats are even able to access the areas at all – will cause likely negative impacts

---

<sup>3</sup> The same is true for the impact of electromagnetic forces from cables on ocean species, as very few species have been evaluated for impacts, as well as the impact of turbines and noise from construction and operation on marine mammals including the North American Right Whale.

October 19, 2023

Page 4

on commercial fishers who rely on the area. Landings will thus indeed be impacted by the Atlantic Shores project, and the impact is too severe to be considered consistent with CAFRA and New Jersey's Coastal Zone Management regulations. As DEP acknowledges, New Jersey's fishing industry operates on "a very small profit margin." The experience of LBI's commercial fisheries has been that a fishing market takes decades to establish; if purchasers can no longer buy sufficient quantities of seafood from Barnegat Light and other New Jersey commercial fishing ports, they will go elsewhere and those business relationships will be lost, possibly forever. It is thus not enough to say that the impact will be temporary because the turbines will eventually be decommissioned – it will take decades beyond the decommissioning to attempt to rebuild those business relationships and to sell fishing catches so the industry can attempt to recover.<sup>4</sup> In the meantime, the industry on LBI will be devastated, with connected negative impacts on the community and heritage dependent on this industry.

For these reasons, and for all of those expressed in the LBI Municipalities' initial public comment letter, we submit that the proposed Atlantic Shores project is inconsistent with DEP's coastal zone management regulations. DEP thus must decline to issue the consistency certification requested by Atlantic Shores.

Very truly yours,

*/s/ Frank Huttie III*

Frank Huttie III

cc: Michael S. Stein, Esq., [mstein@pashmanstein.com](mailto:mstein@pashmanstein.com)  
Timothy P. Malone, Esq., [tmalone@pashmanstein.com](mailto:tmalone@pashmanstein.com)  
Long Beach Township, Danielle La Valle, Municipal Clerk, [dlavalle@longbeachtownship.com](mailto:dlavalle@longbeachtownship.com)  
Beach Haven, Sherry Mason, Borough Clerk, [smason@beachhaven-nj.gov](mailto:smason@beachhaven-nj.gov)  
Ship Bottom, Kristy DeBoer, Municipal Clerk, [kdeboer@shipbottom.org](mailto:kdeboer@shipbottom.org)  
Barnegat Light, Brenda Kuhn, Municipal Clerk, [Brenda.Kuhn@BarnegatLight.org](mailto:Brenda.Kuhn@BarnegatLight.org)  
Surf City, Christine Hannemann, Borough Clerk, [boroughclerk@surfcitynj.org](mailto:boroughclerk@surfcitynj.org)  
Harvey Cedars, Anna Grimste, Municipal Clerk, [agrimste@harveycedars.org](mailto:agrimste@harveycedars.org)  
Brigantine, Lynn Sweeney, City Clerk, [lsweeney@brigantinebeachnj.com](mailto:lsweeney@brigantinebeachnj.com)

---

<sup>4</sup> Thus, to the extent Atlantic Shores were to propose a compensation program for impacted commercial fisheries, payment through decommissioning would be inadequate to fully compensate the losses that would be incurred if the turbines are constructed.