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Public Interest Groups Demand Federal Regulators Reject the Virginia Offshore Wind Project to Save the Right Whale

Dominion Energy hiding critical information concerning the project's potential to destroy endangered North Atlantic right whale

Bureau of Ocean Energy Management's Draft Environmental Impact Statement violates federal rules prohibiting human-caused killing of the right whale

ARLINGTON HEIGHTS, IL (February 14, 2023) – A coalition of public interest groups – The Heartland Institute, the Committee for a Constructive Tomorrow (CFACT), and the American Coalition for Ocean Protection (ACOP) – have filed comments with the Bureau of Ocean Energy Management (BOEM), calling the Draft Environmental Impact Statement which BOEM has prepared for the Virginia Offshore Wind Project “woefully inadequate, fatally flawed, and absurdly indifferent” to the destruction of the North Atlantic right whale as a species.

Dominion Energy is seeking permission from BOEM to construct the largest offshore wind facility in the world. It would be comprised of 205 wind towers, each more than 800 feet tall – 1.5 times the size of the Washington Monument. It would span 112,00 acres – four times larger than New York City – located in the open ocean 27 miles off the coast of Virginia. The wind towers, plus 300 miles of trenched underwater cables, lie directly in the north/south migration path of the critically endangered North Atlantic right whale, only about 350 of which remain in existence.

The National Marine Fisheries Service, the sister agency to BOEM, issued an opinion in 2022 stating that the North Atlantic right whale can only survive as a species if there are zero human-caused fatalities in any given calendar year. Even BOEM's own evaluation of the Virginia Project concludes that its negative impact on the right whale species will be “major.”

“Not only does the DEIS admit that the project will continue to produce human-caused killing of the right whale,” said **Craig Rucker, President of CFACT**, “but Dominion Energy has chosen to hide from public inspection all of the critical information relating to the right whale contained in its Construction and Operations Plan (COP).”

“Dominion Energy has declined to respond to our request to release this critical information,” Rucker said. “Without this information in the COP, the public is left in the dark as to how Dominion intends to comply with the zero-kill mandate required by BOEM.”

Appendix R of Dominion's COP, "Discussion of Endangered Species," forms a critical part of the discussion in the DEIS concerning protective measures for the right whale. On Jan. 20, 2023, CFACT sent a letter by registered mail to Dominion seeking the redacted information contained in Appendix R. The response from Dominion, which declined to provide the information and referred all such inquiries to BOEM, was received by CFACT on Jan. 26.

Numerous dead whales have washed up off the shores of New York, New Jersey and Virginia over the last several months. The dead whale problem has become so acute that three members of Congress – Jeff Van Drew (R-NJ), Chris Smith (R- NJ), Andy Harris (R-MD) – as well as the mayors of 12 New Jersey coastal cities, have called for the Biden administration to order cessation of the sonar mapping now being undertaken by offshore wind developers in preparation for later construction of hundreds of wind towers off the coast of states stretching from Massachusetts to Virginia.

Within the past year BOEM has issued a dozen Incidental Harassment Authorizations (IHAs) to contractors working with offshore wind developers. An IHA authorizes these contractors to "harass," but not kill, marine mammal species, including the critically endangered North Atlantic right whale, while engaging in sonar mapping of wind energy development sites.

"Without undertaking the research and analysis it promised to undertake to protect the right whale, and by rushing the DEIS into publication, BOEM is making a mockery of the environmental review process," said **H. Sterling Burnett, Ph.D., director of the Arthur B. Robinson Center on Climate and Environmental Policy at The Heartland Institute**. "The entire project should be scrapped and abandoned. The massive industrialization of the Atlantic offshore waters caused by the Virginia Project and other related offshore wind projects is fundamentally incompatible with the survival of the right whale."

"BOEM continues the process of approving the construction of over 3,000 turbines off the east coast in an area the greater than the size of Connecticut in critical whale habitat and migration zones," said **David Stevenson, president of ACOP**. "The agency admits they have inadequate data on operational noise that could drive whales out of the lease areas into surrounding major shipping channels. The whales feed near the surface, and vessel strikes are a major cause of mortality. BOEM needs to take a multi-year pause to answer this and many other uncertainties before approving these large industrial projects."

If you have any questions or would like to schedule an interview, please contact:

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