

# Are the Laws Enough?: Opposition to Offshore Wind in New Jersey and Solutions Through Comparative Law Analysis

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**INTRODUCTION**

- This study aims to explore possible grounds for lawsuits barring the surveying, planning, developing, and constructing of offshore wind farms near NJ, their likelihood of success, and means to stop them. Opposition groups can take advantage of federal and state laws to delay or cancel project development.

**METHODS**

- Briefs, caselaw, motions, and opinions gathered on Lexis+ and Westlaw to understand the bases for legal claims that opposition groups are relying on. Examinations of opposition websites, social media pages, and attendance of public comment meetings and offshore wind conferences demonstrated the depth of the anti-offshore wind sentiment in the state.
- The potential to overcome legal challenges was examined through interviews and comparative law analysis between laws in the United States to those in the United Kingdom, with a focus on New Jersey and Scotland.

**RESULTS**

- Lawsuits can and will be filed every step along the development path. Federal laws like NEPA, ESA, MMPA, and the CZMA, along with NJ laws like OWEDA and NJDEP's permitting processes open several avenues for lawsuits.
- The government and developers alike must communicate scientific research better and increase their emphasis on gaining the consent of all parties involved before construction begins.

**DISCUSSION**

- Proper scientific communication can help address and slow anti-offshore wind sentiment in NJ. While the leasing and development process in the US involves public comments, opposition groups continue to feel ignored. Acquiring consent through negotiations and compromise may stop a multitude of costly lawsuits from being filed.

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- Legal challenges are inevitable, and the offshore wind industry seems ill-prepared.
- Opposition groups can use federal and state laws and regulations to challenge offshore wind development.
- An emphasis on consent and scientific communication may create a better sense of trust between the public and the government

