



April 29, 2025

The Honorable Doug Burgum
Secretary of the Interior
U.S. Department of the Interior
1849 C Street NW Washington, DC 20240

Re: Urgent Request: Halt All Offshore Wind Projects off Rhode Island and Massachusetts

Dear Secretary Burgum,

We write to express our deep appreciation for your decisive leadership in halting the construction of Empire Wind. We applaud you for taking this critical step to protect our Oceans. By protecting our oceans, you are indeed preserving our future.

We now respectfully urge you to extend that protective action by immediately suspending construction and rescinding permits for all offshore wind projects off the Rhode Island and Massachusetts coasts: Revolution Wind, Vineyard Wind, South Fork Wind, Sunrise Wind, SouthCoast Wind, and New England Wind.

Time is critical. Pile driving is set to resume on May 1st in waters currently occupied by half of the remaining North Atlantic right whale population in the world.¹ Without your immediate intervention, these projects will drive this highly endangered species closer to extinction, irreversibly damaging Tribal Cultural Resources, marine habitats, and biodiversity. As a nation, we have both a legal right and an ethical responsibility to protect these precious yet fragile resources.

As the Record of Decision for Revolution Wind states, “The [Final Environmental Impact Statement] FEIS concluded that the Project *would* result in cumulative major impacts to commercial fisheries and for-hire recreational fishing; cultural resources; demographics, employment, and economics; environmental justice; other marine uses: scientific research and surveys; and visual resources.”² Yet, based on the unverified possibility that the project “*could*” have beneficial effects by increasing renewable energy production on the Outer Continental Shelf, BOEM approved this project and all of the others listed above.

We, the undersigned, represent concerned citizens, ocean conservationists, commercial and recreational fishermen, historic property owners, whale watchers, bird lovers, scientists, divers, sailors, boaters, aviators, ex-military personnel, scientists, and the federally recognized Wampanoag Tribe of Aquinnah. We have identified serious legal violations in BOEM’s rushed permitting process. As detailed in our amici briefs filed

¹ <https://newenglandboating.com/right-whales-in-cape-cod-bay-massachusetts/>

² Rev Wind ROD, p. B-12, <https://www.boem.gov/renewable-energy/state-activities/revolution-wind-record-decision-ocs-0486>



with the US Supreme Court,^{3,4} these violations call into question the lawfulness of every offshore wind project approved to date. We summarize these below.

Compelling Legal Basis for Action

1. **Major Questions Doctrine:** BOEM's Records of Decision acknowledge that these offshore wind projects represent "major federal actions" with far-reaching consequences for the public and the environment. Yet the agency has ignored the "Major Questions Doctrine," which requires a clear grant of authority from Congress for actions of such economic and political significance. Instead of adhering to statutory limits in the Outer Continental Shelf Lands Act (OCSLA), BOEM has granted itself broad discretionary power that Congress did not authorize.
2. **OCSLA Violations:** BOEM unlawfully introduced a "balancing" framework to circumvent the twelve mandatory safeguards Congress established in OCSLA, including essential protections for fishing, navigation, and the environment. The statute contains no language authorizing BOEM to either partially fulfill or prioritize one over another, but requires BOEM to independently satisfy each. By permitting projects that will have major adverse impacts on fishing, cultural resources, and the environment, BOEM clearly violated its statutory obligations.
3. **Failure to Require a Decommissioning Bond:** BOEM's decision to grant Revolution, Vineyard, South Fork, and New England Wind a 15-year reprieve from providing decommissioning financial assurances⁵ imposed by 30 C.F.R. § 585.516(a)(4) violates OCSLA, which mandates that such assurances be provided before construction begins. By deferring this obligation, BOEM has shifted the burden of potential abandonment and decommissioning costs onto taxpayers.
4. **Statutory Manipulation:** BOEM improperly restructured key language in §8(p)(4), by moving the parenthetical phrase "(as determined by the Secretary)" to the end of the sentence. This small but significant change expanded the agency's discretion beyond Congressional authorization, transforming clear statutory requirements into optional policy judgments.
5. **Administrative Procedure Act (APA) Violations:** BOEM implemented its new, self-afforded discretionary power through memorandum (M-37067) in 2021,⁶ and then immediately began using it to approve Vineyard Wind 1, South Fork, Revolution, and Sunrise Wind, years before subjecting the policy change to rule-making. The formal

³ https://www.supremecourt.gov/DocketPDF/24/24-966/354490/20250401083735953_24-966%20and%2024-971%20Amicus%20Brief.pdf

⁴ https://www.supremecourt.gov/DocketPDF/24/24-971/355222/20250409220626080_24-966_24-971_Brief_of_Amicus.pdf

⁵ <https://www.boem.gov/about-boem/departure-requests>

⁶ <https://www.doi.gov/sites/default/files/m-37067.pdf>



regulation was not adopted until July 2024.⁷ This “rule first, justify later” approach deprives the public of the right to meaningful notice and comment. Courts have repeatedly held that agencies may not enforce new legal standards before they are lawfully adopted.⁸ Yet, Records of Decision for the four projects listed above all rely on the unauthorized framework established by M-37067.

6. **Improper Use of Compensation:** Rather than fulfill its statutory duties to prevent interference and to ensure safety, BOEM has relied on voluntary,⁹ developer-funded compensation¹⁰ as a substitute. This deferred and unenforceable mitigation cannot satisfy BOEM’s legal obligations under OCSLA.
7. **Inadequate Consultation Under the National Historic Preservation Act:** BOEM and BSEE failed to meet their obligations under Section 106 of the NHPA with respect to Tribal Nations and the historic property owners. They did not consistently engage in meaningful consultation with the Wampanoag Tribe or historic property owners. They neither considered the tribe’s Traditional Cultural Knowledge and priorities nor did they adequately address Tribal concerns. Neither BOEM nor BSEE made any effort to exercise “avoidance” as the first option to eliminate the adverse effects of any project, and forced the Tribe to simply accept and endure the devastating destruction of Tribal Sacred Sites, Ceremonial Sites, and Cultural Resources.^{11,12} BOEM ultimately chose to document, rather than prevent, major adverse impacts on significant and irreplaceable cultural resources.¹³

These legal violations—each serious on its own—collectively establish a strong legal foundation to rescind approvals for all six offshore wind projects. BOEM’s conduct not only exceeds its statutory authority, but it also violates procedural law and manipulates statutory language to justify irreversible environmental, cultural, and economic consequences. The case for immediate intervention is overwhelming, both on legal and policy grounds.

Significant Environmental, Economic, and Security Concerns

⁷ 30 C.F.R. § 585.102

⁸ Perez v. Mortgage Bankers Ass’n, 575 U.S. 92, 2015, <https://supreme.justia.com/cases/federal/us/575/92/>

⁹ https://www.boem.gov/sites/default/files/documents/renewable-energy/Fisheries-Mitigation-Guidance_0.pdf

¹⁰ The Navigational Safety Fund was renamed as the Navigational Enhancement and Training Fund and the Fisheries Compensation and Mitigation Fund (Rev Wind ROD, A-84-85), <https://www.boem.gov/renewable-energy/state-activities/revolution-wind-record-decision-ocs-0486>.

¹¹ <https://www.green-oceans.org/s/Chair-Cape-Winds-Keeper-Nantucket-Sound-Determined-Eligible-for-Listing-on-the-National-Register-01.pdf>

¹² <https://www.green-oceans.org/s/Chair-Cape-Wind-ACHP-Final-Comments-to-Deny-Permit-04-02-10.pdf>

¹³ Rev Wind FEIS, 3.12-43, which states, “The cumulative impacts of the construction of offshore structures on submerged marine cultural resources from ongoing and future offshore activities, including the Project, could have long-term **major disproportionate adverse impacts** on Native American tribes that trace their ancestry to these resources.” <https://www.boem.gov/renewable-energy/state-activities/revolution-wind-final-eis>



- **Right Whale Crisis:** Pile driving is scheduled to begin on May 1 in waters where nearly half the remaining North Atlantic right whale population has recently been sighted.¹⁴ Immediate intervention is essential to avoid irreversible harm.
- **Habitat Destruction:** BOEM’s approval of Revolution Wind and South Fork Wind ignored NOAA scientists’ warnings that development on Coxes Ledge—a critical spawning ground—could drive Southern New England cod to extinction.¹⁵
- **Environmental Failures:** Vineyard Wind’s mishandling of a 351-foot, 57-ton¹⁶ turbine blade failure and inadequate clean-up further illustrate the long-term dangers posed by rushed development.
- **Major Harm to Fishing:** BOEM’s own studies acknowledge long-term, major adverse impacts on fishing and regional fisheries, an essential pillar of both New England’s and the Wampanoag’s economy and cultural heritage. Financial compensation, which fails to preserve marine ecosystems or sustain future generations of fishing communities, cannot offset these irreversible harms.
- **Grid Reliability Threats and Capacity Insufficiency:** In its Future Grid Reliability Study,¹⁷ ISO New England (ISO-NE) warns that overreliance on variable renewables could lead to energy shortfalls and system instability. Green Oceans commissioned Planet A Strategies to identify legal violations of the Federal Power Act by the offshore wind industry and will submit this report to the Department of Interior for your review.
- **National Defense Vulnerabilities:** Federal documents confirm that offshore developments will compromise the East Coast's only Early Warning Radar system operated by Cape Cod Space Force Station,¹⁸ underwater threat detection capabilities,¹⁹ military readiness,²⁰ and search and rescue operations.²¹ No technological developments have successfully mitigated this interference.²²
- **Safety Failures:** Instead of avoiding critical fishing grounds and Line of Sight

¹⁴ <https://newenglandboating.com/right-whales-in-cape-cod-bay-massachusetts/>

¹⁵ NOAA to BOEM, June 16, 2023, <https://www.green-oceans.org/our-information-archive/letter-from-noaa?rq=NOAA>, and <https://www.green-oceans.org/our-information-archive/us-ignores-own-scientists>

¹⁶ <https://nantucket-ma.gov/DocumentCenter/View/48366/Vineyard-Wind-CSM---7-23-2024-FINAL-for-Distribution-PDF>, page 4.

¹⁷ https://www.iso-ne.com/static-assets/documents/2022/09/future_grid_reliability_study_summary_03.pdf

¹⁸ <https://www.boem.gov/renewable-energy/state-activities/appendix-y4radar-and-navigational-aid-screening-study>, p.12; <https://www.boem.gov/renewable-energy/state-activities/app-s2-basic-rlos-study>, p. 12.

¹⁹ National Plan To Achieve Maritime Domain Awareness for the National Strategy For Maritime Security, 2005, https://www.dhs.gov/xlibrary/assets/HSPD_MDAPlan.pdf, Australian Gov. Dept.. of Defense, “Remote Undersea Surveillance, Insights Paper, <https://www.dst.defence.gov.au/sites/default/files/events/documents/Insights%20Paper%20-%20Remote%20Undersea%20Surveillance%20FI.pdf>

²⁰ <https://crsreports.congress.gov/product/pdf/R/R46970>

²¹ RWF, DEIS, vol 2, 3.17-8, <https://www.boem.gov/renewable-energy/state-activities/revolution-wind-deis>

²² <https://www.energy.gov/sites/default/files/2024-02/EXEC-2022-004484 - Report to Congress as of December 14 2023 %282%29.pdf>



interference with radar, BOEM has offered inadequate monetary settlements in place of actual solutions.²³

- **Incomplete Economic Analysis:** Official impact studies only considered potential job gains while ignoring jobs lost or displaced and the broader economic consequences of higher electricity prices.²⁴ These studies have misled the public and our public officials about net versus gross benefits.
- **Incomplete Blade Failure Investigations:** Despite neither a full nor finalized independent investigation into the causes of the Vineyard Wind catastrophic blade failure, BOEM lifted its suspension and allowed work to continue. Moreover, work was allowed to continue and investigations were finalized without a clear understanding of the ramifications on the marine food chain or evaluating other potential issues or failures.
- **The GAO Report Confirms Misconduct:** The recent Government Accountability Office report (GAO-25-106998) provides further justification for immediate action, identifying serious legal, procedural, and environmental oversight failures by BOEM and BSEE.²⁵ These bipartisan findings reveal that current development processes are inconsistent with federal law and undermine the principles of lawful governance and public accountability.

Economic considerations add to the urgency of this action. The IRA has granted the foreign developers of these offshore wind projects tax benefits that will become effective during the first year of commercial operation. Thus, based on the cost per MW of installed capacity for South Fork Wind,²⁶ the six projects off the coast of RI and MA could cost the federal government **\$41 billion** in tax benefits and subsidies during this administration.

We respectfully urge you to:

1. **Immediately rescind approvals** for all six wind projects: Revolution Wind, Vineyard Wind, Sunrise Wind, South Fork Wind, South Coast Wind, and New England Wind.
2. **Declare a comprehensive moratorium** on further construction pending thorough review.
3. **Initiate a complete re-evaluation** under NEPA, OCSLA, MMPA, ESA, and NHPA, including proper tribal consultation and cumulative impact analysis.

²³ <https://www.gao.gov/assets/gao-25-106998.pdf>, p. 27-28.

²⁴ https://ripuc.ri.gov/efsb/2021_SB-01/Revolution_Wind_DR1_Statewide_Planning_Program.pdf, Guidehouse Advisory Opinion on the Economic Development benefits of the proposed Revolution Wind Project, 2021, page 18.

²⁵ <https://www.gao.gov/assets/gao-25-106998.pdf>

²⁶ McGeehan, P., “Take a Look at the First Major Offshore Wind Farm to Power U.S. Homes,” The New York Times, 2024. <https://www.nytimes.com/interactive/2024/01/11/nyregion/ny-wind-farm-south-fork.html?searchResultPosition=2>.



Your decisive action now can establish a lasting legacy of ocean protection and responsible governance that aligns with sound science and the law. By extending the same protective measures you took with Empire Wind, you can safeguard our marine ecosystems, endangered species, and cultural resources for generations to come.

The future of our oceans—and the countless species and communities that depend on them—rests in your hands.

Respectfully submitted,

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