Wind Energy Development/Federal Moratorium: Environmental Organizations Amicus Brief In Support of Motions for Preliminary Inunction



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

06/02/2025

Eleven environmental organizations filed a document in support of 17 state Attorney Generals' Complaint for Declaratory and Injunctive Relief in the United States District Court for the District of Massachusetts against the Trump Administration titled:

[PROPOSED] BRIEF OF AMICI CURIAE ENVIRONMENTAL ORGANIZATIONS IN SUPPORT OF THE MOTIONS FOR A PRELIMINARY INJUNCTION ("Brief").

The Brief is in support of the Complaint which challenges a Presidential Memorandum ("Memorandum"), the result of which is to:

…categorically and indefinitely halted all federal approvals necessary for the development of offshore- and onshore-wind energy, pending an amorphous, redundant, extra-statutory, and multi-agency review of unknown duration.

The Memorandum is titled:

Temporary Withdrawal of All Areas on the Outer Continental Shelf from Offshore Wind Leasing and Review of the Federal Government's Leasing and Permitting Practices for Wind Projects, 90 Fed. Reg. 8363 (Jan. 29, 2025).

The Complaint challenges Section 2(a) of the Memorandum's halt of federal approvals for wind-energy projects.

The environmental organizations joining the Brief include:

- Citizens Campaign for the Environment
- Conservation Law Foundation
- Environmental Advocates NY
- Environmental Defense Fund
- Environmental Protection Information Center
- National Wildlife Federation
- Natural Resources Defense Council
- New York League of Conservation Voters
- Sierra Club
- Southern Environmental Law Center

(Collectively, “NRDC”).

By way of introduction, the Brief argues in part:

- The Memorandum rests on a false assumption that, at least under current permitting procedures, the development of wind power is per se incompatible with environmental protection and wildlife conservation.
- Cites a federal agency which has stated that the operation of wind turbines does not release emissions that pollute our air or water, and wind turbines can be built with minimal impact to the environment or livelihoods and nearby residents.
- Existing permit processes provide an established framework for agencies to gather the information needed to ensure projects are consistent with important values/meet federal standards.
- The responsible deployment of wind power is necessary to…
- Address climate change.
- Make continued progress toward healthy air and clean water.
- Meet increasing electricity demand affordably and reliably.
- The Memorandum halts critical progress cutting off all permitting for wind projects of all types pending completion of a vague review that has no clear purpose, timeline, or avenue for public participation.

Component arguments in NRDC’s Brief include:

- WIND IS A CRITICAL AND GROWING SOURCE OF ELECTRICITY IN THE UNITED STATES THAT DELIVERS IMMENSE PUBLIC BENEFITS
- Onshore and offshore wind power are critical to meeting U.S. energy needs
- Wind power has enormous public health and climate benefits
- THE AGENCIES’ IMPLEMENTATION OF THE WIND DIRECTIVE IS ARBITRARY AND UNLAWFUL
- The Agencies have offered no reasoned explanation for deviating from their established process for evaluating wind permits
- The Wind Directive’s purported concerns about environmental impacts of wind power are unexplained and unsubstantiated
- Risks to whales
- Risks to birds
- The Agencies’ implementation of the Wind Directive is fundamentally inconsistent with other federal actions and policies

A copy of the Brief can be downloaded here.