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Fishing industry sues BOEM over Vineyard Wind approval



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Wind turbines are shown in Papalote, Texas. | Brandon Bell/Getty Images

A coalition of U.S. fishing industry groups is suing the Bureau of Ocean Energy Management over its approval of the Vineyard Wind 1 offshore wind project, which is expected to become the country's first commercial-scale offshore wind installation.

Details: Responsible Offshore Development Alliance, which represents fishing associations and companies, [filed a petition](#) on Monday in the 1st U.S. Circuit Court of Appeals over the Interior Department's approval of the 800-megawatt Vineyard Wind 1 project off the coast of Massachusetts.

RODA calls on the court to review [BOEM's July decision](#) approving the project's construction and operations plan, as well as its [May record of decision](#) and [March final environmental impact statement](#), alleging that the administration violated several laws, including the Outer Continental Shelf Lands Act, National Environmental Policy Act, Clean Water Act and Endangered Species Act.

The project's COP "closely resembles" a development and production plan, and under OCSLA, jurisdiction to challenge development and production plans lies with the court of appeals that has jurisdiction over the affected states, RODA told POLITICO in explaining why it filed in the appellate court, but added it also plans to file a citizen suit in district court.

In a release Monday, RODA said BOEM's [quick turnaround](#) on the long-stalled project was done without efforts to minimize interference with seafood production and navigation.

The group argues the project would place wind turbines too close together, making it difficult for fishing vessels to navigate, and they've called for a cumulative impact assessment of offshore wind development to fish and protected resources. Without the assessment, they say it is "impossible" to effectively plan for the budding U.S. offshore wind industry that President Joe Biden has sought to boost.

"This is a precedent-setting decision by BOEM, and it is critical that they get it right so that future projects are following a trusted roadmap instead of a flawed and dangerous example," said Anne Hawkins, executive director of RODA, in a statement. "Unfortunately, this lawsuit is the only recourse fishermen have to ensure the fishing communities' concerns are addressed."

RODA has long been critical of the administration's accelerated process for Vineyard Wind and previously [requested several mitigation measures for their industry](#), including the establishment of 4-mile safe transit areas through New England lease areas.

Interior declined to comment on the lawsuit.

Background: The Trump administration had terminated the federal environmental review process for Vineyard Wind in its waning days, but Biden reversed course once entering the White House.

BOEM announced in March that [it completed the environmental review](#) for Vineyard Wind, a joint venture between Avangrid Renewables and Copenhagen Infrastructure Partners — a move that marked the opening salvo of the Biden administration's push to ramp up the nascent U.S. offshore wind industry. The administration has [set a goal to add 30 gigawatts of offshore wind generation](#) to U.S. coastal waters by 2030.

Last month, BOEM Director Amanda Lefton acknowledged concerns from the fishing industry [in a letter to RODA](#).

"We value the fishing communities' input, give it serious consideration, and have incorporated it into many offshore wind decisions," she wrote.

In the letter, Lefton also said the agency had analyzed RODA's transit lane alternative, but ultimately, she said, it "chose an east-west grid turbine layout proposed by a large segment of the commercial fishing industry in that area."

The RODA suit is the second against the Vineyard Wind project after [Nantucket Residents Against Turbines filed their own lawsuit](#) in the U.S. District Court of Massachusetts in August, which alleged BOEM failed to take a hard look at the project's adverse impacts on whales.



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