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Secretary Burgum  
United States Department of the Interior  
1849 C Street, N.W.  
Washington DC 20240

2/11/2025

RE: Reviewing legitimacy of Offshore Wind Project approvals

Dear Secretary Burgum,

It is with a sense of real urgency we write you today. We much appreciate President Trump's Emergency Order for temporary withdrawal of all areas on the outer continental shelf from offshore wind leasing. We count twenty two projects that have been paused. However, eleven projects have already received approvals with four of those under construction. Leasing and permitting will be reviewed for these approved projects but may take time.

In the meantime we expect the review will find serious problems with the National Marine Fisheries Service (NMFS) Letters of Authorization (LOA) for Incidental Take of endangered and threatened species. Those improperly approved LOAs impact dozens of species and thousands of animals, none more so than the North Atlantic right whale. By our count the LOAs authorized cumulative Take of 548 individuals from a population of around 338. A summary of concerns about the LOAs follows along with a list of projects with LOAs.

We recommend the Interior Department work with NMFS to immediately revoke the Letters of Authorization and order an immediate cession of construction until a review is complete. Thank you for your consideration.

David T. Stevenson, Director,  
Center for Energy & Environment  
Caesar Rodney Institute

David Wojick, Senior Advisor & Analyst  
CFACT

**List of projects with approvals that have begun construction**

1. Coastal Virginia Offshore Wind
2. Vineyard Wind 1
3. Revolution Wind
4. Sunrise Wind

**List of projects with approvals that have not begun construction**

1. South Coast Wind
2. New England Wind
3. Empire Wind 1
4. Empire Wind 2
5. Atlantic Shores South
6. Marwin Wind
7. Momentum Wind



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**Offshore wind permit deficiency analysis -- the Dominion example**

President Trump's Executive Order pausing the permitting of wind projects is based on this finding: "*In light of various alleged legal deficiencies underlying the Federal Government's leasing and permitting of onshore and offshore wind projects, the consequences of which may lead to grave harm...*"

In the past CFACT has criticized numerous cases of offshore wind permitting as being deficient by omitting key issues hence being incomplete. Below is a listing of some of the worst cases using Dominion's CVOW as an example many of these critiques were not specifically directed at Dominion and **all permitted projects to date likely suffer from similar deficiencies.**

In each case there are a number of formal document required for each approval. These are the MMPA Incidental Take Authorization, the ESA Biological Opinion, the Final NEPA EIS, and the approved COP. **One or more of these permitting documents is deficient in each case because it ignores a critical issue.**

**Here are some of the worst deficiencies in permitting identified to date by CFACT:**

**1. No EIS for the NMFS Incidental Take Authorization**

Perhaps the most glaring deficiency is the lack of an EIS for the NMFS harassment taking authorization. In Dominion's case just under 60,000 takings by acoustic harassment are authorized during project construction. The authorization document says there must be an EIS under NEPA for this action. It then says that the overall Dominion project EIS provides that harassment EIS, but the project EIS never mentions the taking. Thus the required EIS was never done.

**2. No consideration of the impact of harassment in the Biological Opinion including cumulative impacts**

In the Biological Opinion the same argument applies albeit not so simply. While the project EIS does not even mention the harassment authorization the BiOp devotes just a brief section to it. They just list the harassment numbers by endangered whale species and say that all the practical mitigation is planned. What is missing is any assessment of the adverse impact of harassment which is what the whale death issue is specifically about. The permit documents never address this crucial issue of harassment induced death as well as the cumulative impact of harassment caused by other permitted offshore wind projects.

**3. No harassment authorization for the turbine installation ship**

Another harassment case is that the pile driving ship Orion, which has been installing Dominion's monopile foundations, uses multiple thrusters to maintain position. The thruster noise has been measured and it exceeds the threshold for harassment. But that noise was not included in the harassment application so has not been authorized. This will likely be true for any monopile installation ship and for tower, turbine and blade installation as well. The Dominion project harassment authorization needs to be revised to include all the projected installation vessel noise as do all other similarly situated projects.



**4. No consideration of using suction caissons instead of pile driving**

Suction caissons are a wind turbine foundation design that eliminates the need for the incredibly loud giant monopiles. Of all the ways that offshore wind threatens whales monopiles are the worst, while suction caissons are benign. The Dominion COP, the BOEM EIS and the NMFS harassment take authorization all go into great lengths regarding minor mitigation policies to reduce the threat of construction to endangered whales. But none considers using suction caissons instead of pile driving.

**5. Violation of the critical MMPA "small numbers" rule**

The Marine Mammal Protection Act stipulates that incidental take authorizations are to be limited to small numbers of protected mammals. Dominion's acoustic harassment take authorization is for more than 50,000 dolphins which clearly is not a small number. The authorized take of the severely endangered right whale is 5% of the entire population so very far from a small number. If this amount of taking is allowed per MW for every leased project the total taking would be several times the population.

**6. No consideration of sediment plumes from ocean currents flowing through wind facilities**

There is now a sizable scientific literature on the fact that ocean currents flowing through a standing wind array will create an ongoing sediment plume which is a potentially severe environmental impact. The Dominion Biological Opinion only considers the transient sediment plumes generated by cable trenching. There is no consideration of the operational sediment plume that could last as long as the project stands in the ocean.

**7. Failure to assess the project's contribution to the overall effects of multiple projects**

Compared to the simpler aggregate of the individual initiatives, the cumulative impact can be far larger. Avoiding project combinations, for example, can greatly lengthen the amount of time spent in regions with a lot of ship activity or fishing. Cumulative impact should be covered in all the key Dominion project evaluation documents, but none do this.

**8. Continuous operating noise is not considered**

According to several studies, the massive turbine array's operating noise will be higher than the acoustic harassment threshold and can last for twenty years. This noise is not covered by the Dominion harassment authority. This impact lasts the life of the project and must be included in the assessment.

**9. Physical presence-based harassment is not considered**

Only acoustic harassment is covered by the Dominion harassment authorization. Harassment is defined by the MMPA as any activity altering behavior of protected species. Avoiding the 150 square mile array of turbines is a significant behavioral shift that could have negative or deadly effects. As a result, the project's physical presence itself creates harassment.



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