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Save Long Beach Island Files Amicus Brief in Federal Court to Support Trump Administration Wind-Energy Directive in 18-State Lawsuit

LONG BEACH ISLAND, NJ, May 22, 2025 — Save Long Beach Island (Save LBI), an environmental organization with more than 10,000 supporters working to protecting our oceans from the destructive impacts of offshore-wind projects, has filed an amicus curiae brief in the United States District Court for the District of Massachusetts, urging the court to reject the lawsuit brought by 18 states challenging the legality of the Trump Administration's Wind-Energy Directive.

Issued on January 20, the Directive temporarily halts new federal offshore-wind approvals pending interagency review of environmental, national security, and economic impacts. In its "friend of the court" brief, Save LBI argues that the directive is a lawful exercise of presidential authority under the Constitution's Take Care Clause, of Agency authority under the lease cancelation provisions in the law, and that the State Plaintiffs have failed to demonstrate any "final agency action" taken under the Directive that is required for judicial review.

"The lawsuit is primarily a restatement of purported program benefits, but contrary to the Plaintiff's unsupported claims, offshore wind energy provides expensive, unreliable energy, only modest temporary construction jobs, is not safe for marine mammals nor effective in mitigating climate change or sea level rise," said Dr. Bob Stern, president and co-founder of Save LBI. "While demonstrating that the State Plaintiffs have no legal leg to stand on, Save LBI's amicus brief also illuminates how recent sharp increases in marine mammal mortalities are attributable to offshore wind vessel survey activities and

shows that the serious harm foundation pile driving and long-term operation of wind turbines have on marine mammals far outweighs the minuscule benefits of these projects.”

Key points of the filing include:

- There has been no final agency action that would justify court intervention at this time.
- Agencies retain lawful discretion to pause or reassess permitting decisions at any stage pending further review under the law’s lease cancellation and suspension provisions.
- The Wind-Energy Directive does not violate any environmental statute and falls squarely within a President’s supervisory authority under the Constitution.
- Offshore-wind projects pose significant harm to marine mammals, including the critically endangered North Atlantic right whale.
- Scientific and empirical evidence contradicts the often-heard assertion that offshore wind will meaningfully reduce the impacts of climate change.

“In this Amicus Brief, we challenge the States’ legal assumptions on many fronts, demonstrating that the President’s interagency review is entirely lawful and does not run afoul of any environmental statute,” concluded Thomas Stavola Jr. Esq., attorney for Save LBI.

About Save LBI

Save LBI is a not-for profit, non-partisan organization that has been active in ongoing litigation and other efforts to protect the coastal and marine environment from the senseless industrialization of our oceans. The organization is led by Beach Haven resident Bob Stern, a Ph.D. engineer with experience in environmental law who previously managed the U.S. Department of Energy’s office overseeing environment protection related to energy programs and projects. For more information on Save LBI and its efforts, please visit SaveLBI.org.

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