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PRATT'S

# ENERGY LAW REPORT



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# Federal Court Blocks Trump Administration Policies Restricting Wind and Solar Permitting

*By Shennie Patel, Elizabeth B. Dawson and Tyler A. O'Connor\**

*In this article, the authors discuss a federal court decision barring the U.S. government from enforcing five federal agency actions that had effectively stalled federal permitting for wind and solar energy projects nationwide.*

A coalition of regional clean energy trade associations — including RENEW Northeast, Alliance for Clean Energy New York, Southern Renewable Energy Association, and Interwest Energy Alliance — along with the Green Energy Consumers Alliance (GECA), filed suit in December 2025 against the Department of the Interior (DOI), the Bureau of Land Management, the Bureau of Ocean Energy Management, the U.S. Fish and Wildlife Service (USFWS), and the Army Corps of Engineers. The complaint alleged that five agency actions, issued in response to a series of executive orders and presidential memoranda beginning on January 20, 2025, violated the Administrative Procedure Act (APA) by arbitrarily halting or restricting federal permitting for wind and solar energy projects. Plaintiffs sought a preliminary injunction to halt enforcement of these policies while the litigation proceeds.<sup>1</sup>

## THE COURT'S RULING

On April 21, 2026, Judge Denise J. Casper in the U.S. District Court of the District of Massachusetts granted plaintiffs' request, concluding that they demonstrated a likelihood of success on the merits, irreparable harm, and that the balance of equities and public interest favored relief. The preliminary injunction halts the implementation of five distinct agency actions:

1. *DOI Review Procedures Memo (July 15, 2025)*: Required all DOI decisions related to the impacted wind and solar projects to undergo a three-tiered review including the Interior Secretary. The court found it likely arbitrary and capricious as an unreasoned, unexplained departure from prior practice that also ignored reliance interests.<sup>2</sup>
2. *Wind and Solar IPaC Ban (July 2025)*: Barred wind and solar developers from accessing the publicly available Information for Planning and Consultation database used for Endangered Species Act

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<sup>1</sup> See *Renew Northeast, et al. v. U.S. Dep't of Interior, et al.*, No. 25-cv-13961-DJC, (D. Mass. Apr. 21, 2026) ECF Dkt. 89.

<sup>2</sup> Dkt. 89 at 38–48.

compliance. The court also found this ban likely unlawful as lacking adequate justification for singling out renewable energy projects and blocked the ban.<sup>3</sup>

3. *DOI Land Order (August 1, 2025, § 4)*: Directed DOI to permit only energy projects with the highest “capacity density” relative to alternatives—a metric that inherently disfavors wind and solar. The court found this likely violates both the Outer Continental Shelf Lands Act (OCSLA’s) requirement to balance 12 statutory criteria applicable to offshore energy projects, and the Federal Land Policy and Management Act’s multiple-use mandate.<sup>4</sup>
4. *Corps’ Memo (September 18, 2025, § 4(c))*: Instructed the Corps to prioritize Clean Water Act and Rivers and Harbors Act permit applications for high-capacity-density projects. The court concluded the memo’s sparse justification likely fell short of the “more detailed justification” required for a significant policy change.<sup>5</sup>
5. *Zerzan M-Opinion (May 1, 2025)*: Withdrew a prior Solicitor’s interpretation of OCSLA § 8(p)(4) and reinstated a more restrictive reading that effectively bars offshore wind projects causing more than “de minimis” interference with other OCS uses. The court found the opinion likely both arbitrarily ignored developers’ reliance interests and violated OCSLA’s multifactor balancing requirement.<sup>6</sup>

## SHORT-TERM FINANCIAL AND BUSINESS IMPLICATIONS

The court credited expert testimony estimating that approximately 57.2 GW of wind, solar, and offshore wind capacity had been canceled or placed at material risk of delay, representing roughly \$905 million in invested capital and jeopardizing between \$8.4 billion and \$25.6 billion in federal tax credits.<sup>7</sup> For affected developers and their counterparties, the injunction should allow resumption of previously stalled permitting processes—at least for members of the plaintiff organizations. Companies should evaluate whether stalled permit applications, suspended consultations, or redesigned projects may now proceed and should reassess contractual timelines, interconnection queue positions, and investment commitments accordingly.

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<sup>3</sup> Dkt. 89 at 48–50.

<sup>4</sup> Dkt. 89 at 50–59.

<sup>5</sup> Dkt. 89 at 59–61.

<sup>6</sup> Dkt. 89 at 61–65.

<sup>7</sup> Dkt. 89 at 66.

## WHAT COMES NEXT

The injunction applies to GECA and all nine members of the Regional Organization Plaintiffs — consistent with the Supreme Court's limitations on nationwide injunctions under *Trump v. Casa*<sup>8</sup> — and will continue while litigation addresses the merits of the federal actions that blocked or delayed the affected wind power projects.<sup>9</sup> The court expressly declined to issue broader relief under APA § 705 at this stage. Developers who are not members of the plaintiff organizations should consider whether separate legal action or outreach to permitting officials or organizational membership may be warranted.

Since the court's April order, a few additional developments have occurred in the litigation: First, the government appealed the April order. Second, on June 16, the court issued two orders, one denying the government's motion to dismiss largely on the grounds articulated in the preliminary injunction ruling, with the exception of the Eagle Take Ban, which the court found to be moot; the other partially granting the motion for relief from or clarification of the preliminary injunction ruling and amending the preliminary injunction order to reiterate that nothing in the court's order "shall prevent Defendants from taking any lawful action that is not based on the challenged Agency Actions."

The court order is the latest in a series of rulings impacting various wind power projects. In five separate cases this year, federal courts blocked DOI's efforts to halt construction of individual Atlantic offshore wind projects.<sup>10</sup> In February 2026, for instance, a court lifted a work stop order impacting an Ørsted offshore wind project after four similar injunctions had been issued, and earlier in January, a judge found the administration had illegally cut clean energy grants.

And another court vacated in its entirety and declared unlawful the Wind Order (which preceded the agency actions in the instant case) that halted nationwide federal approvals, permitting, and leasing for offshore and onshore wind energy projects to align with administration policy priorities. That

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<sup>8</sup> *Trump v. Casa*, 606 U.S. 831, 851 (2025), see Dkt. 89 at 71-72 & n.13.

<sup>9</sup> Dkt. 89 at 69-72.

<sup>10</sup> On January 20, 2025, President Trump issued a memorandum withdrawing all offshore wind lease areas within the OCS, pausing permits, and ordering a review of federal offshore wind policies. DOI then issued three secretarial orders to enforce the freeze and revise permitting procedures. On August 5, 2025, the DOI rescinded 3.5 million acres of wind energy areas, canceled the lease sale schedule, halted work on Empire Wind and Revolution Wind, and asked courts to reconsider approvals for Maryland Offshore Wind, South Coast, and New England Wind. On December 22, 2025, the DOI suspended leases for five large projects—Empire Wind, Revolution Wind, Sunrise Wind, Vineyard Wind 1, and Coastal Virginia Offshore Wind. Courts granted preliminary injunctions allowing these projects to continue while litigation proceeds.

decision is currently on appeal before the First Circuit<sup>11</sup> and its outcome may bear on this case. Both matters center on the APA and underlying federal statutes, with federal courts ruling that the administration's actions were "arbitrary and capricious" in its attempt to stop wind and solar projects.<sup>12</sup>

Companies should monitor appellate developments closely, as well as audit permit applications stalled by the enjoined measures, and document all project delays and costs incurred — monetary recovery against the government is unavailable under the APA, making these economic harms otherwise irreparable.

## IN SUMMARY

- A federal court granted a preliminary injunction.
- The court found that the challenged policies — which resulted from executive memoranda and orders issued at the beginning of the Trump administration — were likely unlawful and that the plaintiffs faced irreparable economic harm from continued enforcement.
- While the preliminary injunction provides meaningful near-term relief for renewable energy developers and their supply chains, the ruling is limited to the plaintiffs and their members, and does not prevent the government from pursuing similar policy objectives using alternative means.

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<sup>11</sup> See *New York v. Trump*, 811 F. Supp. 3d 215 (D. Mass. 2025), appeal docketed, No. 26-1174 (1st Cir. Feb. 23, 2026).

<sup>12</sup> In both cases, the federal court for the District of Massachusetts granted relief to plaintiffs—17 states in *New York v. Trump* and a coalition of industry groups in *Renew Northeast*—preventing the DOI from enforcing orders that aimed to slow or freeze wind and solar projects on public and private lands.