

Dear Residents:

Last year, I petitioned the U.S. Supreme Court to review a lower court ruling. The Petition for a Writ of Certiorari (“Cert. Petition”) alleges that BOEM knowingly falsified its review of South Fork Wind, concealing contamination harmful to human health, the project cost (\$2 billion), procurement manipulation, and other material facts, then approved the offshore wind project based on its deceit. *See* Cert. Petition (attached).¹

One reason for filing my Petition was so the Justices would read about BOEM’s fraudulent environmental review of South Fork Wind before deciding to overturn the Chevron deference, curtailing federal agency power. In *Loper Bright Enterprises* and its companion case *Relentless*,² the U.S. Supreme Court decided the cases in the plaintiffs’ favor, striking down the frequently abused doctrine that enabled federal agencies to interpret vague statutes. However, my case was addressed differently.

For example, my Cert. Petition singled out then-U.S. Deputy Interior Secretary Tommy Beaudreau, who oversaw the federal agency responsible for the environmental review of South Fork Wind, the Bureau of Ocean Energy Management (“BOEM”). *See* BOEM Org. Chart (attached). My Petition reads as follows—

The [] U.S. Deputy Secretary of the Interior, Tommy Beaudreau, was a partner in the Washington, D.C. office of Latham & Watkins (2017-2021). The Nominee Report for Mr. Beaudreau lists “DE Shaw Renewable Investments” as a source of compensation. DE Shaw Renewable Investments owned South Fork Wind LLC (formerly Deepwater Wind South Fork LLC) before selling it to Ørsted A/S, another offshore wind developer from which Mr. Beaudreau received compensation. Mr. Beaudreau’s Nominee Report lists a Latham & Watkins income of \$2.4 million.³

On August 16, 2023, the U.S. Supreme Court distributed my Petition to the (nine) Justices for the September 26, 2023 Conference. Eight days later (October 4, 2023), Deputy Interior Secretary Beaudreau announced his resignation “to spend more time with family.”⁴

Since filing detailed allegations of fraud (with substantiating evidence) against BOEM, everyone with management responsibility for South Fork Wind’s federal environmental review has resigned. The First Amended Complaint raised questions about the then-director of BOEM, Amanda Lefton, who resigned

¹ In case *Simon V. Kinsella, Petitioner v. Bureau of Ocean Energy Management, et al.* (U.S., 22-1251), court documents are available at www.oswSouthFork.info and SupremeCourt.gov (at link below)—
<https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/22-1251.html>

² *See Loper Bright Enterprises, et al., Petitioners v. Gina Raimondo, Secretary of Commerce, et al.*, (U.S., 22-451) and companion case *Relentless, Inc., et al., Petitioners v. Department of Commerce, et al.* (U.S., 22-1219). Court documents are available at www.SupremeCourt.gov/docket/docketfiles/html/public/22-451.html and www.SupremeCourt.gov/docket/docketfiles/html/public/22-1219.html.

³ *See* Certiorari Petition (U.S., No. 22-1251, at 27, PDF 37) (attached).

⁴ *See* *Washington Post*, “Interior Department’s No. 2 is stepping down” by Timothy Puko, published October 4, 2023 (attached). Available online at—
www.washingtonpost.com/climate-environment/2023/10/04/interior-deputy-stepping-down-tommy-beaudreau/

soon after it was filed. *See* First Amended Complaint (pp. 16-17) (attached).⁵ The amended complaint named the Program Manager at BOEM's Office of Renewable Energy Programs, James F. Bennett, who retired early. The two compliance officers identified in South Fork Wind's federal environmental review, BOEM's National Environmental Policy Act Coordinator, Mary Boatman, and BOEM's Environment Branch Chief for Renewable Energy, Michelle Morin, resigned. The Cert. Petition clearly states that "the nation expects higher standards," and we should. Fraud by a federal agency against the people it purports to serve is unacceptable.

Lawsuits Challenging South Fork Wind

I have filed four cases against South Fork Wind's project and its approval process (listed below). In the first case against the N.Y. Office of the State Comptroller, which forced disclosure of the contract price between South Fork Wind and LIPA, I prevailed. Although the second case against the N.Y. Public Service Commission has been fully briefed since October 17, 2022; it is still pending after two years. The third case against LIPA for procurement manipulation is on appeal. Although it was fully briefed by May 25, 2023, it remains pending after 16 months. The last and most complicated case is against BOEM, the federal agency responsible for South Fork Wind's environmental review. The First Amended Complaint was dismissed only yesterday (September 23, 2024), but with leave to resubmit an amended complaint, which I will do. The federal case against BOEM and South Fork Wind is fraud (more on that later).

Talented lawyers from Washington, D.C., are running the three other lawsuits— Green Oceans, Preservation Society of Newport County, and Southeast Lighthouse Foundation, which have been consolidated and are being heard together. *See Green Oceans* Complaint (attached).

- Simon V. Kinsella v. Office of the New York State Comptroller (N.Y., Sup. Ct. Albany Cty., No. 904100/2019, filed July 9, 2019), ***Kinsella prevailed***.
- Kinsella v. N.Y. Pub. Serv. Comm'n & N.Y. Dep't of Pub. Serv., No. 2021-06572 (N.Y. App. Div., 2d Dep't) (filed Sept. 10, 2021), ***pending for two years***.
- Simon V. Kinsella et al. v. Long Island Power Authority et al., No. 2022-03463
- (N.Y. App. Div., 2d Dep't) (***appeal*** filed Oct. 20, 2022), ***pending for 16 months***.
- Simon V. Kinsella v. Bureau of Ocean Energy Management, et al., Civ. No. 23-2915
- (E.D.N.Y.) (filed Jul. 20, 2022), ***dismissed with leave to submit an amended complaint***.
- Green Oceans et al. v. Haaland et al., Civ. No. 24-1087, (D.D.C.) (filed Jan. 16, 2024)
- Preservation Scty of Newport Cnty v. Haaland et al., Civ. No. 23-3510 (D.D.C.) (Nov. 22, 2023)
- Southeast Lighthouse Foundation v. Haaland et al., Civ. No. 23-3514 (D.D.C.) (Nov. 22, 2023)

With best regards,
Si Kinsella
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⁵ *See* First Amended Complaint (DDC, 22-cv-02147, ECF 34-2, at 16-17, ¶ 9.2), filed November 2022 ([click here to download](#)). Also available online at www.oswSouthFork.info.