

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

SIMON V. KINSELLA	:	
	:	
<i>Plaintiff,</i>	:	
	:	
v.	:	
	:	
BUREAU OF OCEAN ENERGY MANAGEMENT;	:	Civil Action No.: 22-cv-02147-JMC
DEB HAALAND, Secretary of the Interior,	:	
U.S. DEPARTMENT OF THE INTERIOR;	:	
MICHAEL S. REGAN, Administrator, U.S.	:	
ENVIRONMENTAL PROTECTION AGENCY;	:	
	:	
<i>Defendants,</i>	:	
	:	
SOUTH FORK WIND LLC;	:	
LONG ISLAND POWER AUTHORITY;	:	
	:	
<i>Nominal Joinder Parties</i>	:	

---

**ORDER**

**[PROPOSED]**

---

WHEREAS, Plaintiff’s Cross-Motion for Partial Summary Judgment is before the Court for decision, and

WHEREAS, the Court has reviewed the submissions of the parties and determined that the Plaintiff’s Cross-Motion is meritorious, it is hereby

DECLARED that Defendants’ Final Environmental Impact Statement (“FEIS”) and Record of Decision (“ROD”) issued November 24, 2021, violated the National Environmental Policy Act (“NEPA”) and the Administrative Procedure Act, and it is hereby

DECLARED that Defendants' approval of South Fork Wind's Construction and Operations Plan on November 24, 2021, violated the Outer Continental Shelf Lands Act ("OCSLA") and the Administrative Procedure Act, and it is hereby

ORDERED that the Plaintiff's Cross-Motion for Partial Summary Judgment be, and hereby is GRANTED in respects to Plaintiff's:

[] First and seventh claim— that Defendants DOI, BEOM, and EPA failed to include adverse economic and environmental impacts according to NEPA and the OCSLA;

[] Second claim— that Defendant EPA failed to assume responsibility for developing information and preparing environmental analyses according to NEPA;

[] Third claim— that Defendant BOEM failed to evaluate and verify information related to environmental contamination according to NEPA;

[] Eight claim— that Defendants DOI and BOEM failed to ensure the development was subject to environmental safeguards according to the OCSLA, and it is hereby

ORDERED that the ROD issued November 24, 2021, is set aside and remanded to the lead agency with explicit instructions to revise the FEIS in accordance with the Court's opinion that the agency takes a hard look at the environmental and socioeconomic impacts in a revised Environmental Impact Statement.

SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_

HON []

United States District Judge