

UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

Responsible Offshore Development Alliance,)

Petitioner,)

v.)

Debra Haaland, Secretary of Interior; Amanda)
Lefton, Director of the Bureau of Ocean Energy)
Management; Gina Raimondo, Secretary of)
Commerce; Janet Coit, Assistant Administrator)
of the National Marine Fisheries Service; Christine)
Wormuth, Secretary of Army; Scott A. Spellmon)
55th Chief of Engineers and Commanding)
General of the U.S. Army Corps of Engineers;)

Respondents.)

Petition for Review

PETITION FOR REVIEW

Under 43 U.S.C. § 1349(c) and Federal Rule of Appellate Procedure 15, Petitioner, Responsible Offshore Development Alliance (the “Alliance”), a membership-based coalition of fishing industry associations and fishing companies with an interest in improving the compatibility of new offshore development with their businesses, hereby petitions the Court for review of the Secretary of Interior’s July 15, 2021 decision (acting through the Bureau of Ocean Energy Management) approving the Vineyard Wind Construction and Operations Plan. A copy of the Secretary’s approval is attached as Exhibit 1.

The Alliance also petitions the Court to review the May 10, 2021 Record of Decision, attached as Exhibit 2, the March 12, 2021 Final Environmental Impact Statement, attached as Exhibit 3, the Secretary of Commerce’s July 21, 2021 Incidental Harassment Authorization (acting through the National Marine Fisheries Service), attached as Exhibit 4, and the Secretary of Army’s decision (acting through the U.S. Army Corps of Engineers) approving a Section 404 permit, which were relied on by the Secretary of Interior in approving the Vineyard Wind Construction and Operations Plan and by the consulting agencies that have approved permits for the Project.

In approving the Vineyard Wind Construction and Operations Plan, and the permits needed for the project, the Secretaries of the Departments of Interior, Commerce, and Army have violated the Outer Continental Shelf Lands Act,¹ National Environmental Policy Act,² Clean Water Act,³ Administrative Procedure Act,⁴ Endangered Species Act,⁵ Marine Mammal Protection Act,⁶ and Merchant Marine Act of 1920.⁷

¹ 43 U.S.C. §§ 1331-1356.

² 42 U.S.C. §§ 4321-4370.

³ 33 U.S.C. §§ 1251-1388.

⁴ 5 U.S.C. §§ 701-706.

⁵ 16 U.S.C. §§ 1531-1544.

⁶ 16 U.S.C. §§ 1361-1423h.

⁷ 46 U.S.C. §§ 50101-58109.

The Alliance therefore asks the Court to grant this Petition for Review.

Respectfully submitted,

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