

Developments in Renewable Energy: Massachusetts Offshore Wind Litigation

July 8, 2026

The Trump Administration has taken a series of administrative actions that could affect the continued development and use of renewable energy resources, in particular wind energy. Many of these efforts have been met with [legal challenges](#) and, in [some cases](#), injunctive relief suspending the enforcement of the challenged administrative actions. Recent federal court [decisions](#) related to federal wind energy permitting off the coast of New England continue this trend.

In *Renew Northeast v. Interior*, the U.S. District Court for the District of Massachusetts is considering consolidated challenges to various Trump Administration efforts from a collection of public interest groups. On April 21, 2026, the court issued a preliminary injunction [barring](#) the Administration from implementing the agency actions at issue with respect to the various plaintiffs. The court subsequently issued a shorter decision [denying](#) the government’s motion to dismiss as to all but one of the plaintiffs’ claims. The preliminary injunction decision highlights a number of legal issues, including the scope, reviewability, and validity of various executive branch actions related to renewable energy; the standing of plaintiff groups to challenge those actions; and the appropriate form of relief if their challenges are successful.

Background

A [previous CRS Legal Sidebar](#) provides an overview of the legal framework governing offshore wind energy development and discusses actions taken by the Trump Administration related to wind energy and other litigation challenging those actions. The plaintiffs in *Renew Northeast* initially challenged six different Trump Administration actions related to renewable energy: (1) a July 2025 [memorandum](#) issued by the Department of the Interior (DOI) establishing a new review procedure for wind and solar facilities on federal land (DOI Review Procedures Memo); (2) a July 2025 announcement from the U.S. Fish and Wildlife Service (FWS) [prohibiting](#) wind and solar projects from using FWS’s planning and consultation website to analyze the impact of proposed activities on sensitive natural resources prior to undergoing the review procedures outlined in the DOI Review Procedures Memo (IPaC Ban); (3) Section 4 of DOI [Secretarial Order 3438](#), which directed the agency to consider a new variable that favors fossil fuel production described as “capacity density,” or energy generation per acre, in energy permitting decisions (DOI Land Order); (4) Section 4(c) of an Army Corps of Engineers (Corps) [memorandum](#) requiring the

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LSB11453

Corps to prioritize permit applications for projects with higher capacity densities (Corps Memo); (5) a May 2025 [Opinion](#) from the then-Acting DOI Solicitor withdrawing a previous Opinion on alternative energy projects in the Outer Continental Shelf (OCS) and reinstating an earlier Opinion (Withdrawal Opinion); and (6) a FWS announcement that the agency was “temporarily ceasing issuance” of eagle incidental take permits to wind energy facilities under the Bald and Golden Eagle Act and would no longer automatically issue general permits for incidental take of eagles (Eagle Take Ban). The plaintiffs did not challenge any White House orders in this lawsuit, instead seeking to enjoin enforcement of only these internal federal agency policy documents.

The plaintiffs filed a motion for preliminary injunction concurrent with filing their amended complaint in January 2026. After FWS reinstated its prior policy on incidental take of eagles, the plaintiffs [conceded](#) that they no longer sought an injunction as to the Eagle Take Ban. On March 16, DOI moved to dismiss the plaintiffs’ complaint, arguing that the plaintiffs had not challenged a final agency action, failed to establish standing, and did not show that their claims were ripe for judicial review.

The Court’s Rulings

The court issued an order granting the plaintiffs’ motion for preliminary injunction on April 21, 2026. As an initial matter, the court evaluated the justiciability of the plaintiffs’ various challenges. The government [argued](#) that the plaintiffs lacked standing and the claims were not ripe because the five agency actions at issue “‘serve[] notice[s]’ only that some further action may take place” rather than final action and the plaintiffs had not demonstrated hardship from postponing review. The court disagreed, [finding](#) that in each instance the plaintiffs had standing and their claim was ripe.

The plaintiffs challenged all five of the agency actions under the [Administrative Procedure Act](#) (APA), a federal statute that provides for judicial review of federal agency action where another law does not apply. Plaintiffs alleged that each of the five agency actions were “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law,” or “in excess of statutory . . . authority” and thus should be set aside by the court [pursuant to the APA](#). APA judicial review is only available for “[final agency action](#)” on any matter. The government [disputed](#) the finality of each of the five challenged agency actions.

The court [recognized](#) as a threshold matter that, although actions taken by the President are not subject to review under the APA, the actions challenged in this case, which represented agency actions carrying out a presidential directive, were subject to APA review. The court then held that each challenged action constituted final agency action. The court [noted](#) that while the agency actions merely suspended certain activities or agency actions pending review or some other administrative activity, such actions represented “the consummation of the agency’s decisionmaking process” with respect to those actions. [Furthermore](#), the finalized actions all “give rise to ‘direct and appreciable legal consequences.’” As a result, the court [found](#) that the challenges to all five actions were final agency actions subject to review under the APA. After considering those threshold issues, the court turned to the [four-part inquiry](#) that applies to motions for preliminary injunction: (1) the movant’s likelihood of success on the merits, (2) the potential for irreparable harm to the movant absent an injunction, (3) whether the balance of equities tips in the movant’s favor, and (4) whether an injunction is in the public interest.

The court agreed with the plaintiffs on the merits, finding that the plaintiffs were likely to succeed on their claims that each of the orders violated the APA’s prohibition on agency action that is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the applicable law. The court [held](#) that the DOI Review Procedures Memo violated the APA because the agency had not offered sufficient explanation or justification for the change in policy for reviewing renewable energy permit applications. It found the same shortcoming in the IPaC Ban, [noting](#) that the agency’s citation of the DOI Review Procedures Memo as the sole justification for the ban was an inadequate explanation for the policy change and did not justify restricting access to the database, [and](#) with the Corps Memo. With respect to the DOI

Land Order, the court [found](#) that the government offered sufficient justification for the Order, [but](#) that the government had violated the APA because it was not in accordance with applicable law, in this case [Section 8\(p\)](#) of the [Outer Continental Shelf Lands Act](#) (OCSLA). The OCSLA [requires](#) DOI to weigh a variety of enumerated factors in determining whether and where to lease offshore areas for renewable energy projects, which the agency failed to do in this instance. The court [also found](#) that the agency had failed to comply with the same section of the OCSLA prior to promulgating the Withdrawal Opinion.

Having found that the agency failed to comply with the APA in promulgating each of the five documents, the court turned to the remaining factors for granting injunctive relief. The court [validated](#) the plaintiffs' arguments that the agency actions would cause [harm](#) by "delaying and preventing the development of wind and solar energy projects in the United States, which in turn threatens the public's vital interest in maintaining a reliable, affordable, and resilient power grid." The court [concluded](#) that "equities and the public interest" would be best served by [granting](#) injunctive relief for the plaintiffs from enforcement of all five of the challenged agency actions. The court thus [found](#) that the "balance of equities" tipped in favor of granting the requested injunctive relief.

The court [explained](#) both its decision to enjoin the federal government and the scope of that injunctive relief. As requested by the plaintiffs, the court [enjoined](#) the government from "implementing or otherwise giving effect to the [Agency] Actions" with respect to one plaintiff organization, the Green Energy Consumer Alliance, as well as the members of the other plaintiff organizations. This limited injunction does not prohibit implementation of the agency actions by DOI or other federal agencies with respect to other parties. The court [noted](#) that this limitation on the scope of the injunctive relief was both appropriate and consistent with the 2025 Supreme Court decision in [Trump v. CASA, Inc.](#), in which the Supreme Court [clarified](#) that injunctive relief should be limited to "the administration of complete relief between the parties."

In a separate [decision](#) on June 16, 2026, the court granted in part and denied in part DOI's motion to dismiss. The court ruled that the plaintiffs' challenge to the Eagle Take Ban was moot because FWS had reversed the ban. As to the remaining claims, the court incorporated its reasoning from the preliminary injunction ruling, concluding again that the plaintiffs plausibly alleged that the challenged actions were final agency actions under the APA. DOI has [appealed](#) the ruling to the U.S. Court of Appeals for the First Circuit.

Considerations for Congress

The court's decisions in *Renew Northeast* join a growing list of [federal judicial decisions](#) rejecting Trump Administration actions and decisions related to renewable energy. Members of Congress who wish to supersede these decisions and codify Trump Administration renewable energy policy as law may draft legislation to do so without the limitations imposed on the agencies by the APA. For example, [H.R. 6930](#), introduced in the 119th Congress, would mandate a review of offshore Atlantic wind projects to ensure that they "will not weaken, degrade, interfere with or nullify" American military capability. Members of Congress who wish to preclude the return of these policies may do so through legislation as well. The agencies are also free to revisit their actions and amend or provide further justification for them in order to comply with the requirements of the APA.

The decision also demonstrates the impact of detailed statutory requirements such as those found in [Section 8\(p\)](#) of the OCSLA. If Congress wishes to ensure that federal agencies abide by its preferred policy considerations, it could provide the sort of detailed review of factors and procedures found in the OCSLA. Alternatively, if Congress wishes to grant federal agencies further discretion to adopt policies without the same level of constraint from substantive statutory requirements and the APA, it may adopt broader language that allows the agencies to determine variables to consider in policymaking or could even exempt certain agency actions from the APA's default procedures for judicial review.

Meanwhile, the Trump Administration has continued to take actions to block wind energy projects, such as by [agreeing](#) to reimburse energy companies for voluntarily terminating their offshore wind leases and redirecting investments toward other energy sources, or by [suspending](#) national security reviews for new wind projects. These actions have been the subject of additional litigation and congressional attention, including through [oversight](#) and [proposed legislation](#) that would require the Secretary of Defense to take specified actions.

Author Information

Adam Vann
Legislative Attorney

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