

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

STATE OF NEW YORK;  
COMMONWEALTH OF MASSACHUSETTS;  
STATE OF ARIZONA; STATE OF  
CALIFORNIA; STATE OF COLORADO;  
STATE OF CONNECTICUT; STATE OF  
DELAWARE; DISTRICT OF COLUMBIA;  
STATE OF ILLINOIS; STATE OF MAINE;  
STATE OF MARYLAND; THE PEOPLE OF  
THE STATE OF MICHIGAN; STATE OF  
MINNESOTA; STATE OF NEW JERSEY;  
STATE OF NEW MEXICO; STATE OF  
OREGON; STATE OF RHODE ISLAND; and  
STATE OF WASHINGTON,

Plaintiff,

v.

DONALD J. TRUMP, in his official capacity as  
President of the United States; UNITED  
STATES OF AMERICA; DEPARTMENT OF  
THE INTERIOR; DOUGLAS BURGUM,  
Secretary of the Interior, in his official capacity;  
BUREAU OF OCEAN ENERGY  
MANAGEMENT; WALTER  
CRUICKSHANK, Acting Director of Bureau of  
Ocean Energy Management, in his official  
capacity; BUREAU OF LAND  
MANAGEMENT; JONATHAN RABY, State  
Director of the Bureau of Land Management, in  
his official capacity; UNITED STATES FISH  
AND WILDLIFE SERVICE; PAUL SOUZA,  
Regional Director of the United States Fish and  
Wildlife Service, in his official capacity;  
DEPARTMENT OF COMMERCE; HOWARD  
LUTNICK, Secretary of Commerce, in his  
official capacity; NATIONAL OCEANIC AND  
ATMOSPHERIC ADMINISTRATION;  
LAURA GRIMM, Chief of Staff of the  
National Oceanic and Atmospheric  
Administration, in her official capacity;

CASE NO. 1:25-cv-11221

NATIONAL MARINE FISHERIES SERVICE;  
EUGENIO PIÑEIRO SOLER, Director of the  
National Marine Fisheries Service, in his  
official capacity; UNITED STATES ARMY  
CORPS OF ENGINEERS; LIEUTENANT  
GENERAL WILLIAM H. “BUTCH”  
GRAHAM, JR., Chief of Engineers for the  
United States Army Corps of Engineers, in his  
official capacity; ENVIRONMENTAL  
PROTECTION AGENCY; LEE ZELDIN,  
Administrator of Environmental Protection  
Agency, in his official capacity;  
DEPARTMENT OF AGRICULTURE;  
BROOKE ROLLINS, Secretary of Agriculture,  
in her official capacity; DEPARTMENT OF  
ENERGY; CHRIS WRIGHT, Secretary of  
Energy, in his official capacity;  
DEPARTMENT OF THE TREASURY; and  
SCOTT BESSENT, Secretary of the Treasury,  
in his official capacity,

Defendants.

#### **ALLIANCE FOR CLEAN ENERGY NEW YORK’S MOTION TO INTERVENE**

Now comes the Alliance for Clean Energy New York (ACE NY), by and through its undersigned counsel, Beveridge and Diamond P.C., and respectfully submits its Motion to Intervene in this suit to defend its members’ interests as of right pursuant to Federal Rule of Civil Procedure 24(a)(2), or, alternatively, permissively pursuant to Federal Rule of Civil Procedure 24(b)(1)(B).

State Plaintiffs challenge the directive in the unlawful Presidential Memorandum entitled *Temporary Withdrawal of All Areas on the Outer Continental Shelf from Offshore Wind Leasing and Review of the Federal Government’s Leasing and Permitting Practices for Wind Projects*, 90 Fed. Reg. 8,363 (Jan. 29, 2025) (Presidential Memorandum) to halt federal approvals of

wind-energy development and federal agencies' implementation of that directive. This Presidential Memorandum directs agencies to indefinitely and categorically abdicate wind energy federal permitting responsibilities assigned to them by their enabling statutes and implementing regulations.

The stoppage of federal wind permitting has greatly impaired ACE NY's members' interests in developing wind energy projects and is causing those members irreparable harm. ACE NY is comprised of various private companies and non-profit organizations interested in promoting clean energy and creating opportunities for growth in New York's clean energy economy. Accordingly, ACE NY should be allowed to intervene pursuant to Federal Rule of Civil Procedure 24(a)(2), or, alternatively, permissively pursuant to Federal Rule of Civil Procedure 24(b)(1)(B).

Counsel for ACE NY has met and conferred with counsel for the parties in this matter. State Plaintiffs do not oppose this motion. Federal Defendants reserve their position on intervention until they are able to review ACE NY's filings.

Attached as exhibits to this motion are the following:

ACE NY's Memorandum of Law In Support of Motion to Intervene

Declaration of Marguerite Wells, Executive Director of ACE NY

ACE NY's Proposed Complaint in Intervention

ACE NY's Corporate Disclosure Statement

Proposed Order Granting ACE NY Motion to Intervene

Wherefore, and for the reasons set forth in the accompanying Memorandum, the Alliance for Clean Energy New York's respectfully moves that the Court issue an order granting its Motion to Intervene in support of State Plaintiffs.

Dated: May 7, 2025

Respectfully submitted,

BEVERIDGE & DIAMOND, P.C.

/s/ Brook J. Detterman

Brook J. Detterman, BBO No. 675396

James M. Auslander, *pro hac vice pending*

155 Federal Street

Suite 1600

Boston, MA 02110-1716

(617) 419-2345

[bdetterman@bdlaw.com](mailto:bdetterman@bdlaw.com)

[jauslander@bdlaw.com](mailto:jauslander@bdlaw.com)

*Attorneys for Intervenor-Plaintiff*

*Alliance for Clean Energy New York*

### **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was electronically filed on May 7, 2025. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

BEVERIDGE & DIAMOND, P.C.

/s/ Brook J. Detterman

Brook J. Detterman, BBO No. 675396

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[bdetterman@bdlaw.com](mailto:bdetterman@bdlaw.com)