

# Empire Wind 1 Stop-Work Order Targets Offshore Wind but Raises Questions for Other Industries

## WRITTEN BY

M. Benjamin Cowan | Emily Huggins Jones | Josh Kaplowitz | Toyja E. Kelley

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On Wednesday, April 16, Secretary of the Interior Doug Burgum directed the Bureau of Ocean Energy Management (BOEM) to [order Equinor to “stop work”](#) on its 812 megawatt Empire Wind 1 project just outside of New York Harbor. This project is a major component of New York’s plan to meet its 2040 carbon zero goal, and received [all of its federal approvals in 2023 and 2024](#) after more than four years of intensive federal, state, and local environmental review. Equinor began active construction almost immediately after receiving full permitting approval in early 2024 and resumed marine activities in Spring 2025.

This order cited as its primary rationale the administration’s [January 20 Wind Presidential Memorandum](#), which withdrew vast swaths of the ocean from further offshore wind leasing and indefinitely paused all offshore and onshore wind permits and approvals pending a “comprehensive assessment” of the environmental and economic impacts of wind energy.

While the administration had made no public statements regarding the status or progress of this assessment before April 16, the order to BOEM stated that “staff of the Department of the Interior has obtained information that raises serious issues with respect to the project approvals” for the project. Without providing specifics, the order went on to state that “[t]he matters identified thus far suggest that approval for the project was rushed through by the prior Administration without sufficient analysis or consultation among the relevant agencies[.]” Curiously, this order came days after the issuance of a long-anticipated [Government Accountability Office \(GAO\) report](#) on BOEM’s offshore wind permitting process that, while critical of certain aspects of BOEM’s stakeholder engagement, did not appear to identify major legal deficiencies or substantive analytical failures.

Because the order does not include these specifics, it is unclear whether it is legally defensible. The Outer Continental Shelf Lands Act (OCSLA) regulations only authorize BOEM’s sister sub-agency, the Bureau of Safety and Environmental Enforcement (BSEE) to halt offshore wind construction — and then only if the developer is in violation of “an applicable law; regulation; order; or provision of a lease, grant, plan, or BSEE or BOEM approval.” 30 CFR 285.401(a). No such violation has been alleged here. Moreover, even if BSEE had proffered evidence of a violation, the developer must be given an opportunity to cure it before being ordered to cease activities. *Id.*

Rather than relying on a specific regulation authorizing the government to pause construction, the [stop-work order to Equinor](#) simply cited the generic standard under which the government must review offshore wind projects. 43 U.S.C. 1337(p)(4); 30 CFR 55.102.

Beyond the legalities of this particular order, the administration’s action undermines the certainty of the federal

permitting process — not just in offshore wind but across all industries. Typically, vested rights in a federal permit are paused or revoked in extraordinarily limited circumstances, such as malfeasance by the project proponent or the discovery of material new information that was not available to the decision-maker at the time the permit was issued. It remains to be seen whether Wednesday's decision represents a one-off or the start of a new type of relationship between project proponents and permitting agencies.

Troutman Pepper Locke will continue to monitor the legal and policy implications of this order as a fluid situation continues to develop. For questions or to discuss how these developments may impact your business and projects, please contact the authors.

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