

United States Senate

WASHINGTON, DC 20510-3203

May 14, 2025

The Honorable Howard Lutnick
Secretary
United States Department of Commerce
1401 Constitution Ave NW
Washington, DC 20230

Dear Secretary Lutnick,

I write to urge you to release the National Oceanic and Atmospheric Administration (NOAA) report that Secretary Burgum has claimed proves that the Empire Wind project was rushed, justifying the sudden, highly unusual and, as yet, unexplained stop work order currently in place that is jeopardizing this critical project to American energy production and thousands of union jobs ^[1].

As you know, Equinor's Empire Wind project is off the southern coast of Long Island. This 54-turbine project is expected to produce 810MW of electricity, enough to power 500,000 homes, improving the supply, quality and reliability of electricity for Long Island homes and businesses. This project also supports over 1,500 offshore construction jobs plus another 1,500 onshore construction jobs at the South Brooklyn Marine Terminal in New York City.

Despite being fully permitted and moving forward with construction, on April 16th, 2025, Equinor received a stop work order from the Bureau of Ocean Energy Management (BOEM) and has since complied with this order. According to Equinor, in order to maintain compliance with this stop work order, they have encumbered a devastating financial burden of as much as \$50 million a week, while nearly a dozen offshore vessels and thousands of workers sit idly by awaiting further clarity.

The Empire Wind stop work order has put thousands of New York union jobs in limbo and jeopardized many American supply chain jobs throughout the country, while also suddenly sidelining a critical new source of energy critical to powering the Long Island economy. When the stop work order was issued by BOEM, Secretary Burgum justified it by saying the Department of Interior had "uncovered" a report from the National Oceanic and Atmospheric Administration (NOAA), which showed the project's approval had been "rushed" by federal regulators under the Biden administration.

To call this process "rushed" is far from the truth, as Equinor originally received a federal lease for Empire Wind in March 2017, during the first Trump administration. This came after the Department of the Interior's Bureau of Ocean Energy Management's (BOEM) auction in December 2016, during the Obama administration. Empire Wind received its Article VII approval

^[1] [Letter from Acting BOEM Director Walter Cruickshank to Empire Offshore Wind](https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/BOEM%20Director%26%23039%3Bs%20Order%20Empire%20Wind.pdf)
<https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/BOEM%20Director%26%23039%3Bs%20Order%20Empire%20Wind.pdf>

from New York State in December 2023, six years after Equinor secured its federal lease. BOEM issued final approval for the Final Construction and Operations Plan in February 2024, a full seven years after Equinor secured its federal lease. This has been a long, legally and regulatory sound, and deliberate process across three presidential administrations.

To date, no such NOAA report has materialized and been shared with the public, nor with the Empire Wind developers, who have asked to review it. Furthermore, to date, BOEM has not given Equinor an opportunity to address any concerns this report may outline. A coherent and legally-sound review process requires full and public disclosure of any factual assertions and issues that require review and adjudication. Failure to do so is the very definition of arbitrariness, which undermines the legitimacy of the review process. It also keeps the public and the stakeholders in the dark. If fully-permitted energy projects that have already begun construction can be indefinitely paused without an opportunity to respond to the reason for their stop work order, this sends a chilling and troublesome signal to companies that the federal government is not a reliable business partner and will deter investment in the development and distribution of American energy.

In this instance, Equinor cannot continue burning cash while awaiting further action from the federal government. And America, Long Island, and New York risk losing a sorely-needed multibillion dollar, job-creating and supply-enhancing energy investment if there is not swift action. Therefore, I am calling on the Department of Commerce to direct NOAA to immediately release this report, and related documents and communications. If there is information within this report that is of consequence, the American public and the impacted stakeholders have a right to review and comment on it. Moreover, if there is information in this report that is of consequence to the Empire Wind development, it is the responsibility of NOAA to provide it to the project developer so they can make the necessary adjustments, and, ideally, resume work on this vital investment.

Equinor has over \$60 billion in investments across America and this project will play a critical role in achieving an “all of the above” approach to unleashing American energy dominance and supporting the continued buildout of a robust domestic energy supply chain, goals the Trump administration has said it supports. To maintain trust between the federal government and companies investing in America, it is critical that Equinor has the opportunity to evaluate this NOAA report to address any potential errors and improve the project to best meet the country’s energy needs.

Sincerely,



Charles E. Schumer
United States Senator