EXCLUSIVE: Biden Admin Broke Environmental Law in Wind Energy Push, Leaked Government Study Shows

A similar wind development area is “what we call a ‘magical space’ for marine animals,” says top scientist

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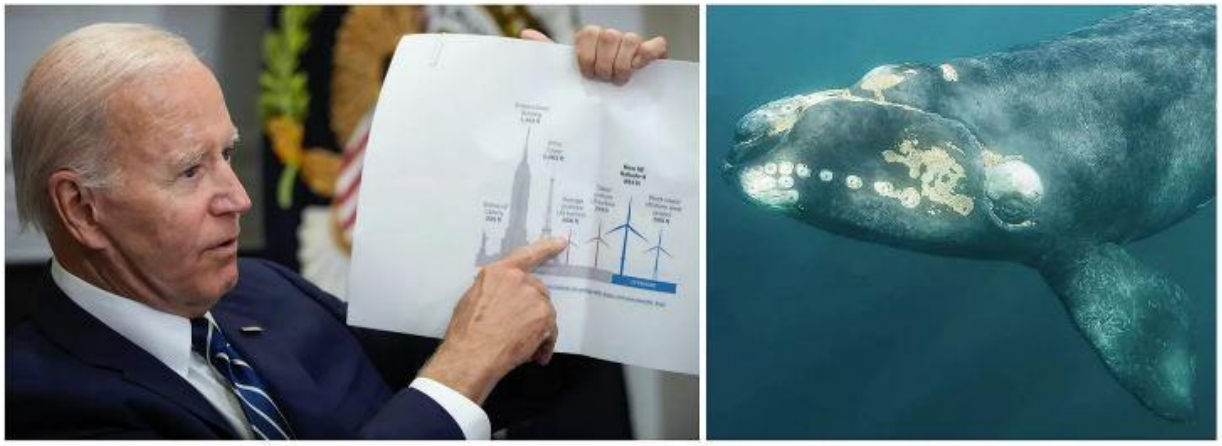


Former President Joe Biden (left) on June 23, 2022, and the critically endangered right whale, of which just 372 are left (right). (Credit: Drew Angerer/Getty Images)

For years, the Biden Administration insisted that offshore wind energy projects complied with the National Environmental Policy Act (NEPA), the 1970 law that requires government agencies to use the best available science to evaluate the ecological impacts of major projects before the government can approve them.

But now, a scientific report, which reflects the official position of the National Oceanic and Atmospheric Administration (NOAA), reveals that the approval of the Empire Wind project off New York and New Jersey violated this law.

“The Empire Wind NEPA process was flawed in several respects,” it concludes, “resulting in a lack of rigor in analysis and limited information for decision makers to consider.”

The scientist who authored the report works for the U.S. government’s National Marine Fisheries Service (NMFS), which is also known as NOAA Fisheries. It is part of the Department of Commerce, and which serves in an advisory capacity to the Department of the Interior on marine issues, including offshore wind development. The person spoke exclusively to Public.

The report cited “incomplete data,” “lack of spatial planning,” and the introduction of new data too late in the process to review. “These deficiencies limited the ability to avoid and minimize conflicts between development and marine resources at both stages…. Mitigation measures were limited or not adopted despite reasonable options being available to address habitat destruction and alteration.”

NMFS scientists had previously raised similar objections to the Revolution Wind and South Fork Wind projects.

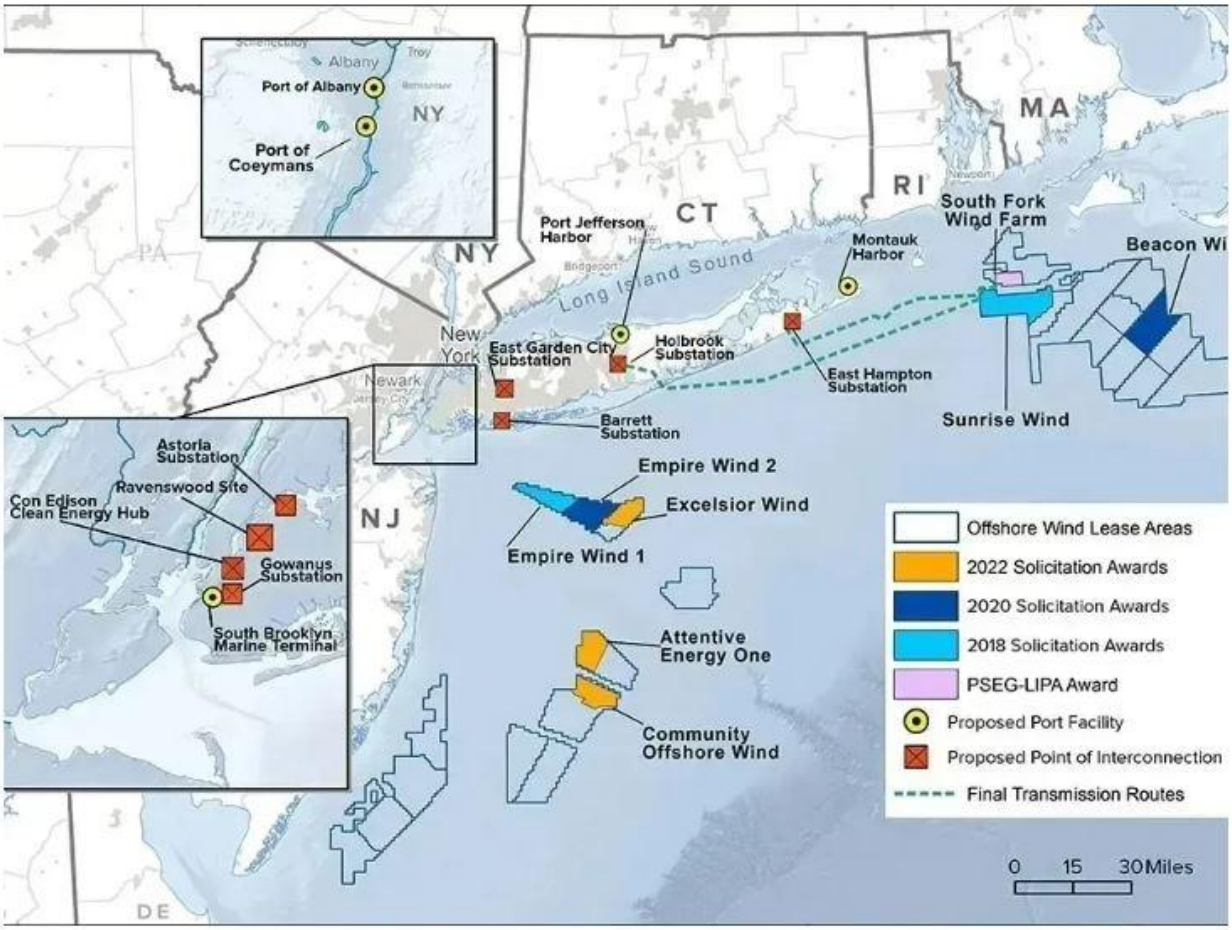
These areas are no ordinary patches of ocean, stress scientists. They are spawning grounds, migratory corridors and crucial feeding habitats for marine life, including the North Atlantic right whale, which is teetering on the brink of extinction.

“If you were to ask a marine mammal scientist where we shouldn’t put offshore wind energy, they would say this area,” said the NMFS scientist, referring to the Revolution Wind project. “It’s what we call a ‘magical space’ for marine animals. We have a dozen marine mammal species and whales, many individuals of varying populations, continuously using a very small area.”

A North Atlantic right whale breaches in waters off of Provincetown/Truro. (Photo by Stan Grossfeld/The Boston Globe via Getty Images) NOAA permit 25740-02

The scientist, who has decades of experience researching the marine environments of the East Coast, said, “From my lab, I can see the turbines 20 miles from here at Revolution Wind. I’m familiar with the ocean in this area and have been out there a lot. It’s not uncommon for us to go out and see 50 or 60 right whales, out of a population of 372. The risk is high because we already have a declining population, and we know large aggregations of these animals occur in this space.”

Public showed the report to Lisa Linowes, a researcher who has studied the impact of wind industry boat traffic on whale deaths. “It’s devastating,” she said. “The report reveals that NMFS scientists warned BOEM of Cholera Bank’s ecological importance and urged the agency to take the reasonable step of relocating six turbines from its most sensitive area. Yet BOEM chose to ignore the recommendations.



A map of wind farm leases off New York and New Jersey, including Empire Wind 1. (New York State Energy Research and Development Authority)

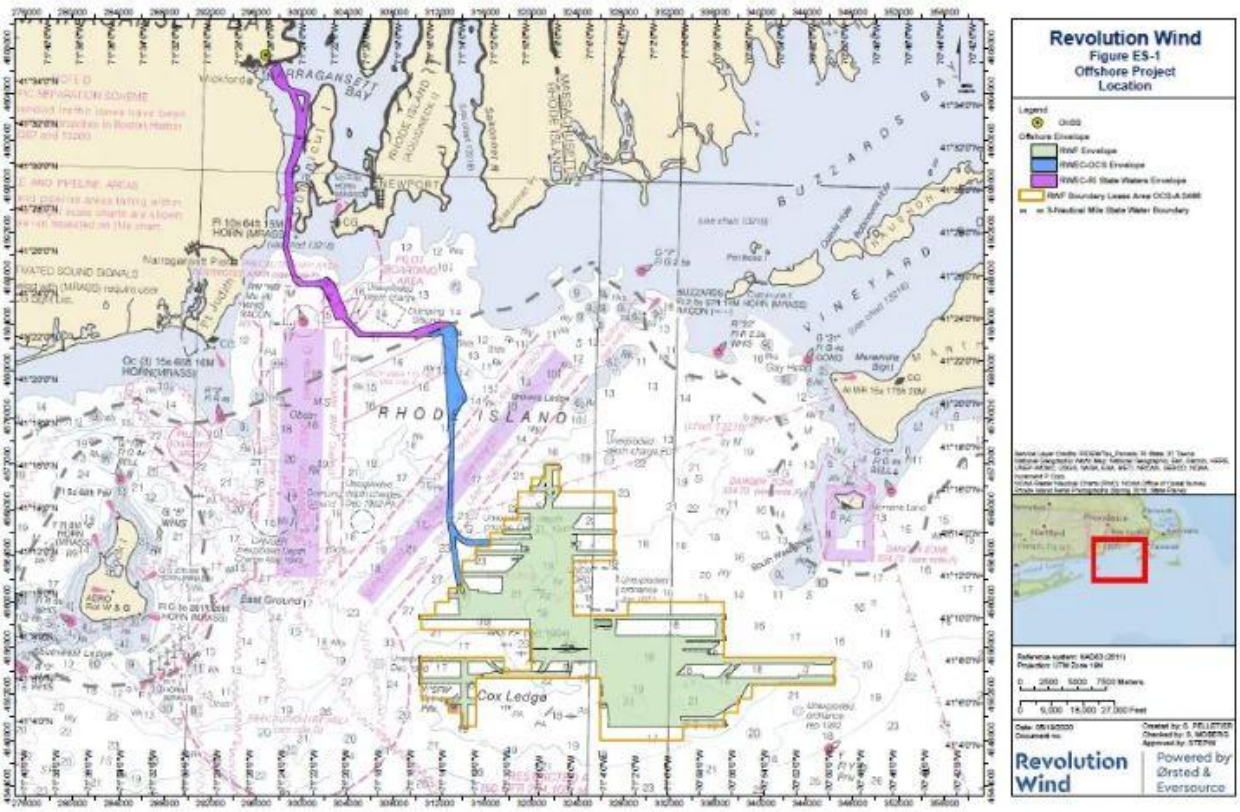
NMFS raised similar concerns about South Fork Wind and Revolution Wind, both sited directly on top of Coxes Ledge, another ecologically rich seafloor ridge in southern New England. Like Cholera Bank, Coxes Ledge is an essential spawning ground and habitat, yet BOEM approved both projects despite repeated warnings from NMFS scientists.

“The pattern is unmistakable,” said Linowes. “Fragile habitats identified, risks spelled out, recommendations made—and then ignored. Taken together, Empire Wind, South Fork, and Revolution Wind reveal a broader failure in the permitting system.”

The North Atlantic right whales, said the scientist, are “congregated in very small areas because they’re baleen whales — filter feeding — and need high nutrient-rich protein sources like the Pseudocalanus, which is a zooplankton species. And it’s not just in winter, it’s become year-round.”

Linowes added that “The report makes clear that BOEM’s response to NMFS’ recommendations was to prioritize developer timelines over scientific evidence, leaving marine ecosystems and coastal communities to bear the risks.”

BOEM and Empire Wind developers ignored multiple red flags, the NMFS report on the project shows. They did not consider the impact of “turbine blade failures that occurred in July 2024 in Vineyard Wind 1 and a persistent 2024 fish kill associated with Coastal Virginia Offshore Wind,” noted the report. These events reflected possible outcomes that should have informed the review process.



Revolution Wind project (Credit: NOAA)

The Empire project would effectively end the ability of the government to monitor the oceans. Concluded the report, “the construction and operations of Empire Wind pose serious disruptions to NOAA’s established scientific surveys, which are vital for managing fisheries and protecting marine species.”

According to the report, Empire Wind sits directly on the routes for eight long-running ocean surveys that provide the data used to set fishing quotas, track endangered species, and guide marine management. Once the turbines and cables are in place, those surveys can no longer be carried out as designed, leaving critical gaps in the science needed to protect marine life.

The NMFS scientist described a difficult work environment, one where scientists were trying to save a whale species on the brink of extinction, but experienced heavy pressure from Biden administration officials to approve projects.

“We’re developing one for the largest offshore wind energy areas on earth in one of the last known winter foraging habitats for endangered North Atlantic right whales,” the NMFS scientist said. “There could be large-scale oceanic effects that could alter right whale feeding.”

The scientist gave input to a 2022 letter sent by a top National Oceanic and Atmospheric Administration (NOAA) scientist, the “Chief of Protected Species,” which warned that wind energy could make the North Atlantic right whale extinct. “Disturbance to right whale foraging,” said the NOAA scientist, Sean A. Hayes, “could have population-level effects on an already endangered and stressed species.”

After Hayes sent the letter, Biden administration officials confronted the scientists involved. “Why did you send that letter?” one of the political appointees asked.

“It was a stressful period of time,” said the NMFS scientist. “We needed to be careful of how we communicated because [we were told], ‘These projects were going forward and there’s not much more to say.’”

The Biden appointees worked to ram through the wind energy projects quickly. “The administration went hard and aggressive with goals so large that even the offshore wind energy industry didn’t feel like they could meet them. Timelines were short. Every major sea basin has planning efforts, even the Hawaiian Islands. It was constant. By January of this year, there were 14 offshore wind energy projects with construction operation plans that had been completed.”

The leaked NMFS report warns that the Empire Wind project could disrupt the Mid-Atlantic's "Cold Pool," a band of nutrient-rich water that provides food to marine life. "Alterations to wind fields and the ocean–atmosphere interface," said the report, "have the potential to modify both atmospheric and hydrodynamic patterns, potentially on large spatial scales up to dozens of miles from the offshore wind facility."

NMFS urged BOEM to require detailed monitoring of Empire Wind's effects, including how turbine wake turbulence might alter ocean structure over time. Those recommendations were ignored. Without such tracking of offshore wind, regulators and communities are left in the dark about how this massive build could reshape one of the Mid-Atlantic's most important ocean features, creating a cascading effect throughout the ecosystem.

How did the government appointees justify giving environmental permits to the wind companies?

"There's a dogma that if it's renewable, it's unicorns and rainbows and there's no impacts and we're saving the world," said the person. "And we as scientists just don't buy into that. Like, where's the evidence? You're harvesting energy — wind energy — from an ecosystem. That can alter the oceanographic conditions and change [ecosystem] productivity at large scales. In Europe, they were seeing wind wake effects, not just right next to the turbine, but 40, 60, 80 kilometers away."

The scientist said NMFS had tried to gather data from wind energy projects in Europe, "where there is 30 years of development," but no such data existed. "Europe's got decades of offshore wind development and they've ignored the problem."