Via Certified Mail

July 16, 2026

U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Secretary Douglas J. Burgum
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Bureau of Ocean Energy Management
1849 C Street, NW
Washington, D.C. 20240

Acting Director Matthew Giacona
Bureau of Ocean Energy Management
1849 C Street, NW
Washington, D.C. 20240

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Acting Attorney General Todd Blanche
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Associate Attorney General Stanley Woodward
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Daniel Runyan
Senior Vice President, Development
Invenergy LLC
1 S. Wacker Drive, Suite 1500
Chicago, IL 60606

Invenergy Wind Offshore LLC
1 S. Wacker Drive, Suite 1500
Chicago, IL 60606

Invenergy NE Offshore Wind LLC
1 S. Wacker Drive, Suite 1500
Chicago, IL 60606

Attorney General Brian L. Schwalb
Office of the D.C. Attorney General
400 6th Street, NW
Washington, DC 20001

Re: Notice of Intent to Sue for Violations of the Outer Continental Shelf Lands Act via Cancellation of Lease Numbers OCS-A 0542, OCS-A 0562, and OCS-A 0567

Dear Secretary Burgum, Acting Director Giacona, Acting Attorney General Blanche, Associate Attorney General Woodward, Mr. Runyan, and Attorney General Schwalb:

Pursuant to 43 U.S.C. § 1349(a)(2)(A), this letter serves as notice by New York, New Jersey, Maine, Connecticut, Delaware, Massachusetts, Rhode Island, and Vermont (the States) of their intent to sue for violations of the Outer Continental Shelf Lands Act (OCSLA), 43 U.S.C. §§ 1331 *et seq.*, in connection with the cancellation of Outer Continental Shelf lease numbers OCS-A 0542, OCS-A 0562, and OCS-A 0567 (the Leases) pursuant to purported "settlement agreements" (the Settlement Agreements) between the United States and Invenergy Wind Offshore LLC and Invenergy NE Offshore Wind LLC (together, Invenergy). This letter constitutes a notice of violation and intent to file suit pursuant to Section 23(a) of OCSLA, 43 US.C. § 1349(a), as required under 43 U.S.C. § 1349(a)(2)(A). We are sending you this notice letter because you may be named as a defendant or necessary party in the States' anticipated suit.

BACKGROUND

The States' anticipated OCSLA citizen suit will challenge the Lease cancellations and the execution and implementation of the Settlement Agreements between the United States, acting through the U.S. Department of the Interior (Interior) and the U.S. Department of Justice, and Invenergy, which held the Leases.

The Leases, which Invenergy acquired at lease sales in 2022 and 2024, comprised almost 84,000 acres in the New York Bight, a large, shallow region of ocean between Long Island and the New Jersey coast, and over 215,000 acres in the Gulf of Maine. Wind turbines in the Lease areas could have provided electricity to New York, New Jersey, Maine, and the other States, and, together, were anticipated to have a nameplate capacity of over 5 gigawatts, enough to power around 2 million homes. BOEM awarded Invenergy the Leases after years of analysis and extensive consultation with the Department of War to ensure that any resulting wind energy projects would appropriately mitigate all national security concerns.

On June 12, 2026, more than four years after awarding Invenergy the Leases, Interior reached an agreement with Invenergy to terminate the Leases and reimburse the company up to $653,086,275, the amount Invenergy paid for the Leases. The Settlement Agreements provide that Invenergy will invest $653,086,275 in oil and gas development and covenant not to sue in exchange for the federal government reimbursing Invenergy $653,086,275 and cancelling the Leases.

THE LEASE CANCELLATIONS AND SETTLEMENT AGREEMENTS VIOLATE OCSLA AND ITS IMPLEMENTING REGULATIONS

OCSLA declares the Outer Continental Shelf to be "a vital national resource reserve held by the Federal Government for the public" and directs the Secretary of the Interior to make the Shelf "available for expeditious and orderly development, subject to environmental safeguards, in a manner which is consistent with the maintenance of competition and other national needs." 43 U.S.C. § 1332(3). OCSLA further declares that "the rights and responsibilities of all States . . . to preserve and protect their marine, human, and coastal environments through such means as regulation of land, air, and water uses, of safety, and of related development and activity should be considered and recognized." *Id.* § 1332(3), (5).

In 2005, Congress amended OCSLA to authorize the Secretary of the Interior to issue leases on the Outer Continental Shelf for renewable energy production. OCSLA provides detailed requirements for leasing and developing Outer Continental Shelf lands, including specific procedures that must be followed to cancel or relinquish a lease.

The Lease cancellations violate OSCLA and its implementing regulations because Interior did not adhere to the procedures required for cancellation. Interior (1) did not hold a hearing before cancelling the Leases or make the necessary determinations that cancellation was required by national security or defense, in violation of 43 U.S.C. § 1334(a)(2)(A); (2) did not consider the factors it was required to consider under 43 U.S.C. § 1337(p)(4) and 30 C.F.R. § 585.102; (3) did not notify or coordinate with the Governors of the affected States, in violation of 43 U.S.C. § 1334(h) and § 1337(p)(7); (4) did not suspend the Leases for five years before cancellation, in violation of 43 U.S.C. § 1334(a)(2)(B); (5) did not follow the regulations for lease relinquishment found at 30 C.F.R. § 585.435; (6) violated Section 8 of the amended Lease agreements, which state that "[a]ny cancellations are subject to the limitations and protections contained in subsections 5(a)(2)(B) and (C) of the Act (43 U.S.C. § 1334(a)(2)(B) and (C))" and that "[a]ny cancellation or suspension ordered by [BOEM] that is predicated on a threat of serious irreparable, or immediate harm or damage, or on an imminent threat of serious or irreparable harm or damage, requires a finding by [BOEM] of particularized harm that it determines can only be feasibly averted by suspension of on-lease activities," Amend. & Restatement of Renewable Energy Lease OCS-A 0542, § 8 (Jan. 16, 2025); Amend. of Renewable Energy Lease OCS-A 0562, § 8 (Jan. 16, 2025); Amend. of Renewable Energy Lease OCS-A 0567, § 8 (Jan. 16, 2025); and (7) otherwise failed to comply with OCSLA and its implementing regulations. The adoption of the Settlement Agreements, which provide for the unlawful Lease cancellations, also violates OCSLA and its implementing regulations, and the Agreements provide for compensation in excess of the statutory formula for cancellations and suspensions, in violation of 43 U.S.C. §§ 1334(a)(2)(c) and 1341(d).

The Lease cancellations and Settlement Agreements adversely affect the States' legal interest in the "expeditious and orderly development," 43 U.S.C. § 1332(3), of wind energy on the Outer Continental Shelf. The States have relied on the development of the Lease areas as a component of their respective long-term strategies to support grid reliability, energy diversification, and climate goals. Development of the Lease areas was crucial to the States because the addition of offshore wind generation to their energy mix will help to ensure that there is adequate electricity to meet growing demand and that the States receive electricity from a diverse range of sources, thereby helping to ensure the reliability of their grids and also helping them to meet their statutory climate goals.

CONCLUSION

The Lease cancellations and Settlement Agreements are causing ongoing harm to the States, requiring the States to take judicial action to compel compliance with OCSLA. Accordingly, pursuant to 43 U.S.C. § 1349(a), today, on July 16, 2026, the States are hereby providing notice of violations of OCSLA and its implementing regulations.

Please contact us if you have any questions or would like to discuss this matter. We declare under penalty of perjury that the foregoing is true and correct.

Sincerely,

FOR THE STATE OF NEW YORK

LETITIA JAMES
Attorney General of New York

/s/ *Libby Dimenstein*
Monica Wagner
Deputy Bureau Chief
Matthew Eisenson
Assistant Attorney General
Libby Dimenstein
Special Assistant Attorney General
Environmental Protection Bureau
28 Liberty Street
New York, NY 10005
(212) 416-8469
Libby.Dimenstein@ag.ny.gov

Morgan Costello
Deputy Bureau Chief
Environmental Protection Bureau
The Capitol
Albany, NY 12224

FOR THE STATE OF NEW JERSEY

JENNIFER DAVENPORT
Attorney General of New Jersey

/s/ *Rachel Manning*
Jessica Palmer
Assistant Attorney General
Rachel Manning
Deputy Attorney General
New Jersey Division of Law
25 Market Street, P.O. Box 093
Trenton, NJ 08625
(609) 376-2740
Jessica.Palmer@law.njoag.gov
Rachel.Manning@law.njoag.gov

FOR THE STATE OF MAINE

AARON M. FREY
Attorney General of Maine

/s/ *Caleb Elwell*
Caleb E. Elwell
Assistant Attorney General
Office of the Maine Attorney General
6 State House Station
Augusta, ME 04333
(207) 626-8545
Caleb.Elwell@Maine.gov

FOR THE STATE OF CONNECTICUT

WILLIAM TONG
Attorney General of Connecticut

/s/ *Matthew I. Levine*
Matthew I. Levine (D.C. Bar No. 230278)
Deputy Associate Attorney General
165 Capitol Ave
Hartford, CT 06106
(860) 808-5250
matthew.levine@ct.gov

FOR THE STATE OF DELAWARE

KATHLEEN JENNINGS
Attorney General of Delaware

/s/ *Vanessa L. Kassab*
Ian R. Liston
Director of Impact Litigation
Ralph K. Durstein III
Vanessa L. Kassab
Deputy Attorneys General
Robin L. Jacobs
Delaware Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 683-8899
vanessa.kassab@delaware.gov

FOR THE COMMONWEALTH OF MASSACHUSETTS

ANDREA JOY CAMPBELL
Attorney General of Massachusetts

/s/ *Turner Smith*
Turner Smith
Deputy Chief & Assistant Attorney General
Nathaniel Haviland-Markowitz
Assistant Attorney General
Jon Whitney
Special Assistant Attorney General
Energy and Environment Bureau
Office of the Attorney General
One Ashburton Place
Boston, MA 02108
(617) 727-2200
Turner.Smith@mass.gov

FOR THE STATE OF RHODE ISLAND

PETER F. NERONHA
Attorney General of Rhode Island

/s/ *Nicholas M. Vaz*
Sarah W. Rice
Deputy Chief,
Public Protection Bureau
Nicholas M. Vaz
Unit Chief, Environment and Energy
Assistant Attorneys General
Rhode Island Office of the Attorney General
150 South Main Street
Providence, RI 02903
(401) 274-4400
nvaz@riag.ri.gov
srice@riag.ri.gov

FOR THE STATE OF VERMONT

CHARITY R. CLARK
Attorney General of Vermont

/s/ *Hannah Yindra*
Hanna Yindra
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609
(802) 828-3186
Hannah.Yindra@vermont.gov