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Across the country, wind developers and state governments are successfully navigating new legal challenges facing wind energy, fighting to keep projects moving forward despite mounting obstacles. Hostility to wind development has manifested in various ways over the last couple of years, including delays in government permitting for proposed projects, stop-work orders for projects in construction, elimination of tax credits, and more. In response, state Attorneys General (AGs) are leading the defense of wind energy, motivated by the economic and grid reliability benefits that their states stand to gain from these projects. Environmental groups and the wind developers themselves are similarly leading the charge. So far, litigation trends show that plaintiffs are making their case successfully, having won a significant victory in a recent case where the federal administration had frozen permitting, along with several other wins.

In this blog, we provide an update on the court cases currently shaping the future of domestic wind energy.

Permitting and Lease Orders

Through a series of executive orders and agency implementing orders, the federal government has sought to halt new offshore and onshore wind energy permitting, as well as pause projects currently in development. Challenges to the federal government's efforts have been largely successful so far.

In January 2025, President Trump issued an executive order freezing all permitting for off-shore wind energy projects. In response, New York led a coalition of states challenging the order in a federal court in Massachusetts (*New York v. Trump,* No. 1:25-cv-11221 (D. Mass.)). The court decided the case in favor of plaintiffs in December 2025, vacating the freeze order. While the government initially filed an appeal of this decision to the 1st Circuit, it dropped the appeal in June, leaving the lower court opinion in place. This ending marks a significant victory in challenging one of the first anti-wind actions from the current administration.

Two other ongoing cases challenging similar orders have secured preliminary injunctions against the orders, meaning that the orders will not be enforced while the lawsuits are pending. In December 2025, the Department of the Interior issued an order pausing several offshore wind leases for 90 days, citing undisclosed national security concerns. Litigation challenging this order is ongoing in two courts. In one challenge brought by a wind developer, the court preliminarily enjoined the order, preventing the government from enforcing it (*Empire Leaseholder LLC et al. v. Burgum et al.*, No. 1:26-cv-00004 (D.D.C.)). In another developer-led challenge to the same order, the court stayed the case until August while the Bureau of Ocean Energy Management (BOEM) considers future action on the lease pause (*Virginia Electric and Power Company v. United States Department of the Interior, et al.*, No. 2:25-cv-00830 (E.D. Va.)).

BOEM has also issued two separate stop-work orders for an individual project––Revolution Wind's wind farm off the coast of Rhode Island. The company sued in *Revolution Wind, LLC v. Burgum*, No. 1:25-cv-02999 (D.D.C.), and another challenge by Connecticut and Rhode Island was consolidated with this suit. On January 12, 2026, the court granted Revolution Wind and state plaintiffs' motion for a preliminary injunction barring the enforcement of DOE's second stop-work order for the project (which runs until December 22, 2026). These cases are still ongoing, but success in securing preliminary injunctions is an encouraging sign for the communities depending on these wind developments.

Litigation Over Individual Project Permits

In addition to federal permit freezes and stop-work orders, wind developers are also facing challenges from anti-wind groups and local governments challenging their project permits. While these challenges target permits granted by federal agencies, the federal government is currently declining to defend the permit decisions. As a result, wind developers have led the defense of their permits, while states have intervened in their support.

In one example, an anti-wind NGO has sued to challenge BOEM's approval of permits for the Sunrise Offshore Wind Project off the coast of New York *(Green Oceans et al. v. BOEM et al.*, No. 1:26-cv-01006 (D.D.C.)). Briefing in that case is ongoing, and New York has intervened in the case in support of the wind developer to help defend the project permit. In another similar case, local governments have sued to challenge BOEM's permit for the Maryland Offshore Wind project in *Mayor and City Council of Ocean City, Maryland et al. v. United States Department of the Interior et al.*, No. 1:24-cv-03111 (D. Md.). Summary judgment briefing is ongoing in that case and expected to be completed in August 2026.

Other Federal Actions

Aside from ordering pauses in permitting and construction, the government has also imposed obstacles to wind development through bureaucratic delays and elimination of tax incentives. Environmental groups have led challenges to these actions, securing one win and one preliminary injunction.

In July 2025, an executive order announced changes to a longstanding method for most solar and wind facilities to demonstrate eligibility for federal tax credits. Environmental groups challenged the IRS's implementation of this order in *Oregon Environmental Council v. Internal Revenue Service*, No. 1:25-cv-04400 (D.D.C.). On June 6, 2026, the court ruled in favor of plaintiffs, granting their motion for summary judgment and vacating and remanding the challenged IRS notice. This marks a substantial win for wind developers, as favorable tax credits can be key to the financial viability of early-stage projects.

Environmental groups have also alleged that multiple agencies are "systematically issuing decisions that disfavor wind and solar technologies in comparison to other energy sources," filing suit in *Renew Northeast et al. v. United States Department of the Interior et al.*, No. 1:25-cv-13961 (D. Mass.). On April 21, 2026, the court

granted plaintiffs' motion for a preliminary injunction. The government is currently appealing this decision to the 1st Circuit Court of Appeals.

New Challenges

Plaintiffs have achieved numerous wins in the above cases, and are not letting up now, launching two new challenges to the latest obstacles in wind energy development in recent weeks. These two recently-filed challenges target new obstacles to wind energy development: federal government deals with offshore wind developers to cancel and refund their leases and a delay in permit processing for onshore wind facilities.

In March, the Department of the Interior announced agreements with offshore wind developers to cancel and refund their wind leases in exchange for investments in fossil fuel infrastructure. In *State of New York et al. v. U.S. Department of the Interior et. al.*, No. 1:26-cv-01910 (D.D.C.), on June 2, 2026, New York and six other states sued DOI to challenge this deal. The states argue that the deal was unlawful and harms New York and New Jersey's efforts to secure a reliable energy supply and grid reliability benefits. In recent weeks, Interior has announced two additional sets of agreements to cancel six more offshore wind leases. Since then, California has sent two notices of intent to sue over the cancellation of offshore wind leases in Morro Bay and the Central Coast, and eight east coast states sent notices of intent to sue over the cancellation of three wind leases located in the New York Bight.

In addition, environmental groups have recently alleged that the Department of Defense has unlawfully stalled its mandatory reviews of *onshore* wind facilities, blocking development of new onshore wind. On May 31, 2026, several groups sued DOD in *Renewable Northwest et al. v. Peter B. Hegseth et al.*, No. 3:26-cv-01092 (D. Or.) to argue that this freeze is unlawful. On July 16, nineteen states moved to intervene in support of the plaintiffs in that lawsuit.

Conclusion

Overall, plaintiffs in cases challenging wind energy hurdles have been largely successful. Courts have so far found a freeze in offshore wind permitting unlawful, held that the government improperly removed tax benefits from renewable projects, and prevented the federal government from enforcing several other anti-wind policies while litigation is pending. Several newer lawsuits targeting recent obstacles, such as the offshore wind lease cancellation deals and DOD's pause in

onshore wind permitting, are still in early stages. To keep up to date with these lawsuits and other state actions in defense of renewable energy, check out the AG Actions Database from the State Energy and Environmental Impact Center at NYU Law.