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DOI Policy Changes Signal Major Shift Away From Wind Energy

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US Secretary of the Interior Doug Burgum recently announced four new policy measures that could significantly curtail wind energy development. These policy changes, issued in response to Secretarial Order No. 3437, *Ending Preferential Treatment for Unreliable, Foreign-Controlled Energy Sources in Department Decision-Making* (DOI Order), are designed to scale back federal support for wind energy, particularly where it conflicts with other land uses, community priorities, or environmental protections. These actions mark the latest action taken to implement President Donald Trump's Day One Presidential Memorandum on wind energy that withdrew all areas on the outer continental shelf from being used for offshore wind leasing.

Actions

1. **End Preferential Treatment for Wind and Solar**—The Department of Interior (DOI) will identify policies deemed to favor wind and solar energy. This action will eliminate support for foreign-controlled renewable supply chains in the United States, in furtherance of Executive Order 1413, “Ending Market Distorting Subsidies for Unreliable Foreign-Controlled Energy Sources.”

2. **Restore Equal Consideration of All Public Land Uses**—DOI will review and potentially withdraw federal lands for use on wind energy projects to comply with the Federal Land Policy and Management Act's (FLPMA) multiple use requirements. Under this action, DOI plans to terminate 3.5 million acres of federal land previously designated as offshore Wind Energy Areas.

3. **Increase Stakeholder Engagement for Offshore Wind**—Consultation with tribes, fishing industry stakeholders, and coastal towns will be increased under this action.

4. **Study Wind's Impact on Migratory Birds**—A review of migratory bird takings caused by wind turbine blades in migratory paths will be used to determine if those impacts violate the Migratory Bird Treaty Act, and appropriate permitting and enforcement actions under current law will be explored.

Potential Impacts

Taken together, these actions could significantly slow or reduce the development of wind projects with a federal nexus. Offshore and onshore wind initiatives may face delays or cancellations as a result of revoked

lease areas and more stringent permitting requirements and reviews required under the DOI Order. This regulatory uncertainty may also restrict access to capital, making it more difficult to finance new wind and solar developments. The removal of “preferential treatment” for renewables—such as federal incentives, leasing advantages, and streamlined permitting—further threatens to limit access to federal lands and may drive up project costs due to increased mitigation and compliance obligations.

Additionally, heightened scrutiny of land use authorizations, environmental permitting, tribal lands permitting, commercial and financial authorizations, and other federal actions and authorizations, may create additional hurdles for projects in process. This, in turn, could lead to more lawsuits, regulatory challenges, and project delays.

Analysis

From the outset, this administration has signaled its intent to adopt policies that disincentivize the development of wind and solar energy. Many of these measures—such as invoking the FLPMA's multi-use mandate—mirror the approach used by the Biden Administration, which applied the same statute to restrict oil, gas, and mining activities on federal lands.

Given the clear and forceful nature of the Day-One Presidential Memorandum to federal agencies regarding wind and solar development, DOI and other relevant agencies are likely to continue leveraging every available statutory authority to advance policies aligned with the administration's broader energy agenda. That “Unleashing American Energy” agenda prioritizes fossil fuels and domestically sourced energy while systematically rolling back support for renewable sources like wind and solar.

This follows President Trump's recent Accelerating Federal Permitting of Data Center Infrastructure Executive Order, which directs the opening of certain Federal land for data center infrastructure use (See our recent summary here). Our Federal Affairs team continues to stay appraised of developments that affect how clients navigate the changing landscape of permitting on federal lands.

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