

Fishermen's Advisory Board Issues Intent to Sue Letter for Violations of the Outer Continental Shelf Lands Act

CRMC, BOEM, Orsted Named in South Fork Wind Farm, South Fork Export Cable Project

NEWPORT, RHODE ISLAND, UNITED STATES, May 12, 2023 /EINPresswire.com/ -- The Fisherman Advisory Board issued an official notice of intent to sue the Secretary of the Interior and the

“

FAB has provided notice of its intent to seek a judicial remedy if BOEM, Orsted, and/or the CRMC do not take action to remedy the violations detailed in this letter.”

Marisa Desautel, Desautel Law

Bureau of Ocean Energy Management, Orsted Offshore North America, and the Rhode Island Coastal Management Council for violating the Outer Continental Shelf Lands Act, 43 U.S.C. § 1331 et seq., related to the approval, enforcement, and violations of BOEM's Conditions of Construction and Operations Plan Approval (Construction and Operations Plan or "COP").

“Despite consistently emphasizing that the measures contemplated did not take into account many elements of needed mitigation and that the agreed mitigation measures were insufficient to mitigate for impacts to

Rhode Island-based fishermen, the CRMC agreed to an amount based upon data presented by Orsted,” said Marisa Desautel, managing attorney, [Desautel Law](#). “FAB has provided notice of its intent to seek a judicial remedy if BOEM, Orsted, and/or the CRMC do not take action to remedy the violations detailed in this letter.”

The lawsuit pertains to the South Fork Wind Farm and South Fork Export Cable Project, which includes up to 15 wind turbine generators with a nameplate capacity of six to 12 MW per turbine, submarine cables between the WTGs (Inter-array Cables), and an offshore substation, all located approximately 19 miles southeast of Block Island, R.I.

OCSLA prescribes a framework under which the BOEM is authorized to issue leases, easements, or rights-of-way for offshore renewable energy projects.

The BOEM must consult with the U.S. Coast Guard, and other relevant federal agencies must consider several factors, including safety, protection of the environment, conservation of natural resources, and prevention of interference with reasonable uses of the area, including for fishing

or navigation.

Pursuant to regulations, the leaseholder, Orsted, timely proposed a Construction and Operations Plan. The COP includes all data and information to support the plan for the wind facility, as well as proposals for minimizing environmental impacts. Following the COP proposal, BOEM is required to conduct a NEPA analysis, such as an Environmental Impact Statement, to determine whether to approve the COP, reject it, or approve it with modifications.

The FAB's letter is provided pursuant to the 60-day notice requirement of the citizen suit provision of OCSLA to the extent such notice is deemed necessary by a court. The FAB is giving notice of its intent to seek a judicial remedy if BOEM, Orsted, and/or CRMC do not take action to remedy the violations.

About Desautel Law

Desautel Law focuses on state and federal environmental and energy statutory and regulatory compliance, civil litigation, land use litigation, administrative law, municipal law, property law, and municipal and regulatory zoning and permitting. The Firm has handled litigation matters concerning environmental issues, utilities law, property rights, breach of contract claims, regulatory compliance, due process, constitutional claims.

About the Fishermen's Advisory Board

The Fishermen's Advisory Board is an internal CRMC panel made up of commercial, recreational, and charter fishers.

###

Editor's Note: interviewees from Desautel Law and Fishermen's Advisory Board are available upon request. Please contact Kalen Arreola at 401-626-0468 to coordinate.

Kalen Arreola
KMC Digital
+1 401-626-0468
[email us here](#)

This press release can be viewed online at: <https://www.einpresswire.com/article/633244050>

EIN Presswire's priority is source transparency. We do not allow opaque clients, and our editors try to be careful about weeding out false and misleading content. As a user, if you see something we have missed, please do bring it to our attention. Your help is welcome. EIN Presswire, Everyone's Internet News Presswire™, tries to define some of the boundaries that are reasonable in today's world. Please see our Editorial Guidelines for more information.

© 1995-2023 Newsmatics Inc. All Right Reserved.