

Jaimini Parekh  
Oregon Bar No. 226337  
Earthjustice  
810 Third Avenue, Suite 610  
Seattle, WA 98104  
Phone: (206) 701-7613  
Email: [jparekh@earthjustice.org](mailto:jparekh@earthjustice.org)

*Counsel for Sierra Club*

Jolie McLaughlin  
*(pro hac vice forthcoming)*  
Natural Resources Defense Council  
20 North Wacker Drive, Suite 1600  
Chicago, IL 60606  
Phone: (312) 847-6826  
Email: [jmclaughlin@nrdc.org](mailto:jmclaughlin@nrdc.org)

*Counsel for Citizens Campaign for  
the Environment et al.*

[Additional counsel listed below]

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION**

RENEWABLE NORTHWEST; ADVANCED  
POWER ALLIANCE; ALLIANCE FOR CLEAN  
ENERGY NEW YORK, INC.; CLEAN GRID  
ALLIANCE; GREEN ENERGY CONSUMERS  
ALLIANCE; INTERWEST ENERGY  
ALLIANCE; MAINE RENEWABLE ENERGY  
ASSOCIATION; RENEW NORTHEAST; and  
SOUTHERN RENEWABLE ENERGY  
ASSOCIATION,

*Plaintiffs,*

v.

PETER B. HEGSETH, in his official capacity as  
Secretary of Defense; DALE R. MARKS, in his  
official capacity as Assistant Secretary of

Case No. 3:26-cv-01092

**ENVIRONMENTAL  
ORGANIZATIONS' UNOPPOSED  
MOTION FOR LEAVE TO FILE  
AMICUS CURIAE BRIEF**

Defense for Energy, Installations, and Environment; U.S. DEPARTMENT OF DEFENSE; and DEPARTMENT OF DEFENSE MILITARY AVIATION AND INSTALLATION ASSURANCE SITING CLEARINGHOUSE,

*Defendants.*

**UNOPPOSED MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF**

Proposed *Amici Curiae* Citizens Campaign for the Environment, Clean Air Task Force, Conservation Law Foundation, Environmental Defense Fund, Environmental Protection Information Center, Natural Resources Defense Council, New York League of Conservation Voters, and Sierra Club (collectively “Environmental Organizations”), respectfully move for leave to submit a brief in support of Plaintiffs’ motion for a stay or preliminary injunction of Defendants’ unlawful policy freezing their statutorily mandated review duties for wind energy projects. *See* Dkt. No. 14. Pursuant to Local Rule 7-1(a), the undersigned hereby certifies that a good faith effort was made to confer with counsel for Plaintiffs and Defendants. Plaintiffs consent to the motion and Defendants take no position on the motion. No counsel for any party authored this brief in whole or in part, no such counsel or party made a monetary contribution to fund the preparation or submission of this brief, and no one other than the *amici curiae* and their counsel made any monetary contribution. *Cf.* Fed. R. App. P. 29(a)(4)(E).

The role of *amicus curiae* is “assisting in a case of general public interest, supplementing the efforts of counsel, and drawing the court’s attention to law that escaped consideration.” *Ringside, Inc. v. Cincinnati Ins. Co.*, No. 3:20-cv-01709-AC, 2021 WL 5305836, at \*1 (D. Or. Nov. 15, 2021) (quoting *Miller-Wohl Co. v. Comm’r of Labor & Indus. State of Mont.*, 694 F.2d 203, 204 (9th Cir. 1982)). “The touchstone is whether the *amicus* is ‘helpful’ and there is no rule that ‘*amici* must be totally disinterested.’” *Id.* (quoting *California v. U.S. Dep’t of Labor*, No.

2:13-cv-02069-KJM-DAD, 2014 WL 12691095, at \*1 (Jan. 14, 2014)); *see also Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982), *abrogated on other grounds by Sandin v. Conner*, 515 U.S. 472 (1995). The district court has “broad discretion in the appointment of *amicus curiae*.” *Id.* (quoting *California*, 2014 WL 12691095, at \*1); *see also Hoptowit*, 682 F.2d at 1260.

This is a case of general public interest, and Environmental Organizations’ participation as *amici* would help ensure a complete presentation of issues relevant to Plaintiffs’ motion. The facts and arguments presented by Environmental Organizations show that Plaintiffs are likely to succeed on the merits of their claims and that a stay or preliminary injunction is in the public interest. The Environmental Organizations are nonprofit organizations dedicated to protecting public health, communities, and the environment. As part of their work, the Environmental Organizations support thoughtful, responsible, and equitable deployment of wind power in the United States. For this reason, the Environmental Organizations support development of wind energy as an important alternative to fossil fuel-fired electricity generation, and one that promises critical environmental, public health, and climate benefits. As further discussed below, the Environmental Organizations’ *amicus* brief explains that the Department of Defense’s policy is unlawful and has significant environmental, public health, and economic consequences.

*Amicus Curiae* Citizens Campaign for the Environment (CCE) is a 501(c)(4) nonprofit organization that was formed in 1985 by a group of concerned citizens on Long Island to advance stronger environmental policy. Today, CCE has over 100,000 members across New York State and Connecticut, including approximately 40,000 members on Long Island. CCE engages in education, research, lobbying, and public outreach efforts to advocate for solutions to numerous environmental and climate change-related issues threatening our communities. As part of this work, CCE supports the transition from fossil fuels to renewable energy infrastructure.

CCE has been a strong proponent of wind energy for almost two decades, forging close relationships with many other stakeholders in wind development, including labor organizations, small businesses, chambers of commerce, faith-based organizations, and environmental groups. CCE is a founding member of Wind Works New York, a coalition of stakeholders (including other *Amici* here) that works collaboratively to advance offshore wind as a meaningful power source for New York.

*Amicus Curiae* Clean Air Task Force (CATF) is a nonprofit organization dedicated to advancing the policy and technology changes necessary to achieve a zero-emissions high-energy planet at an affordable cost. With more than 25 years of internationally recognized expertise on environmental policy and law, and a commitment to exploring all potential solutions, including wind energy resources, CATF is a pragmatic, non-ideological advocacy group with bold ideas needed to address climate change and air pollution. CATF has advocated before federal, state, and local agencies to encourage the development of clean energy infrastructure—including for wind resources. CATF has offices in Boston, Washington, D.C., and Brussels, with staff working remotely around the world.

*Amicus Curiae* Conservation Law Foundation (CLF) is a nonprofit environmental advocacy organization working to protect New England's environment for the benefit of all people and the marine ecosystem and seeks to advance sound clean energy policies that strengthen the region's economic vitality and achieve climate mandates established by state laws. CLF has offices in all six New England states. CLF's advocacy has led to the passage and implementation of several key climate laws and mandatory greenhouse gas reductions in five out of the six New England states, with the climate laws of Massachusetts, Connecticut, Rhode Island, and Maine requiring procurements of offshore wind energy. Responsible wind

development is crucial for transitioning to a renewable energy future and ensuring the New England states that have adopted mandatory greenhouse gas emission reductions stay on track to meet their obligations.

*Amicus Curiae* Environmental Defense Fund (EDF) is a membership organization with more than 300,000 members in the United States whose mission is to build a vital Earth for everyone by preserving the natural systems on which all life depends. Guided by expertise in science, economics, law, and business partnerships, EDF seeks practical and lasting solutions to address environmental problems and protect human health, including renewable energy. EDF works with partners across the private and public sectors to engage in utility regulatory forums throughout the United States. EDF regularly appears before state and federal regulators in support of policies that will enable robust clean energy development.

*Amicus Curiae* Environmental Protection Information Center (EPIC) is a 501(c)(3) nonprofit, grassroots environmental organization based in Humboldt County, California. Since 1977, EPIC has advocated for the science-based protection and restoration of Northwest California's lands, waters, and wildlife using an integrated approach combining public education, citizen advocacy, and strategic litigation. Today, climate change poses a significant threat to the ecosystems that EPIC exists to protect. Sea level rise, drought, and the impact of wildfires in our region are all projected to increase if greenhouse gas emissions are not curbed. EPIC thus supports the responsible development of renewable energy projects such as wind in Northern California, not despite its mission but because of it.

*Amicus Curiae* Natural Resources Defense Council (NRDC) is a nonprofit membership organization with hundreds of thousands of members nationwide. NRDC's mission is to safeguard the Earth: its people, its plants and animals, and the natural systems on which all life

depends. As part of that mission, NRDC has long supported the responsible and equitable development of wind power as a renewable source of energy necessary to secure the United States' clean energy future. For years, NRDC has worked in coalitions (including with other *Amici*) to advocate for policies to support the deployment of clean energy, including wind power, and to ensure that wind power development is conducted in an environmentally responsible and equitable way. NRDC has worked closely with collaborative science-based organizations, and with similar state and federal bodies to ensure that wind power and other forms of renewable energy are developed in a manner compatible with healthy communities and wildlife populations. NRDC has also worked with the U.S. Department of Defense on best practices for siting renewable energy on or near Department of Defense land.

*Amicus Curiae* New York League of Conservation Voters (NYLCV) is a 501(c)(4) non-partisan, statewide environmental advocacy organization committed to advancing policies that protect clean water, healthy air, renewable energy, and open space across New York State. NYLCV represents more than 105,000 members statewide. For more than 35 years, NYLCV has engaged in advocacy, public education, and accountability initiatives to promote sound environmental policy at the state and local levels. As part of its longstanding commitment to combating climate change and building a clean energy future, NYLCV has consistently supported responsible wind development as a critical component of New York's transition away from fossil fuels and to address increased energy demand. NYLCV is a founding member of Wind Works New York, a broad coalition of environmental, labor, and community stakeholders working to advance offshore wind energy and ensure its environmental, economic, and public health benefits are realized across the State.

*Amicus Curiae* Sierra Club is the nation's oldest and largest grassroots environmental organization with hundreds of thousands of members nationwide and chapters and local groups active in every state. Sierra Club's mission is to explore, enjoy, and protect the wild places of the Earth. Sierra Club seeks to solve the climate crisis in a way that protects the environment and is enduring, fair, and equitable, while stewarding our natural resources to safeguard them for present and future generations. Sierra Club strongly supports the responsible development of clean, renewable energy, including both onshore and offshore wind energy. Sierra Club has engaged to support the financing of wind energy projects, including through its advocacy to create and defend the federal investment and production tax credits, and in state proceedings awarding renewable energy credits or power purchase agreements to individual projects. Sierra Club has engaged in both shaping the environmental permitting and siting processes applicable to renewable energy projects, as well as in implementing and applying these processes to help ensure that responsibly sited projects with appropriate environmental mitigation measures are approved and constructed. Sierra Club has engaged in resource planning proceedings before state public utility commissions to advocate for greater procurement of renewable energy and has supported transmission projects needed to bring wind energy from the locations where it is produced to load centers.

The Environmental Organizations' proposed *amicus* brief will assist the Court's consideration of Plaintiffs' motion for a stay or preliminary injunction. The brief is based on the Environmental Organizations' unique experiences with, and perspectives regarding, the wind power industry, including the immense environmental and public health benefits from wind. The brief describes the critical economic, environmental, and public health benefits of wind energy, and presents quantitative analysis showing the significant economic, environmental, and public

health consequences that will result if the Department does not promptly restart project reviews. The brief also explains that the Department's review freeze violates the Administrative Procedure Act because it contravenes the Department's statutory obligation to provide timely review of energy projects, and because the Department's stated reasons for its review freeze are pretextual. For these reasons, the Court should find that Plaintiffs are likely to succeed on the merits of their claims, and issuing a preliminary injunction or stay is in the public interest.

No party will be prejudiced by the Environmental Organizations' brief. Environmental Organizations have submitted this motion, and the accompanying amicus brief, 7 days after Plaintiffs filed their motion for a stay or preliminary injunction, Dkt. No. 14, and 18 days before Defendants' deadline to respond, Dkt. No. 20 (Order setting July 6, 2026 response brief deadline).

Because the Local Rules do not dictate the length of an acceptable *amicus* brief, the Environmental Organizations have used Federal Rules of Appellate Procedure 29(a)(5) and Local Rule 7-2(b)(1) for guidance and limited our brief to 5,500 words. *Compare* Dkt. No. 14 (Plaintiffs' principal brief is 10,955 words), *and* LCvR 7-2(b)(1) (generally limiting memoranda to 11,000 words, or in the alternative, 35 pages), *with* Fed. R. App. P. 29(a)(5) (limiting *amicus* briefs to one-half the limit for a party's principal brief).

For the reasons stated above, Environmental Organizations respectfully request that the Court grant their motion to participate as *amici*.

Dated: June 18, 2026

Respectfully submitted,

Jolie McLaughlin  
*(pro hac vice forthcoming)*  
Natural Resources Defense Council  
20 North Wacker Drive, Suite 1600  
Chicago, IL 60606  
Phone: (312) 847-6826  
Email: jmclaughlin@nrdc.org

/s/ Jaimini Parekh  
Jaimini Parekh  
Oregon Bar No. 226337  
Earthjustice  
810 Third Avenue, Suite 610  
Seattle, WA 98104  
Phone: (206) 701-7613  
Email: jparekh@earthjustice.org

Natasha Brunstein  
*(pro hac vice forthcoming)*  
Natural Resources Defense Council  
40 West 20th Street, 11th Floor  
New York, NY 10011  
Phone: (212) 727-2700  
Email: nbrunstein@nrdc.org

Amanda Lineberry  
*(pro hac vice pending)*  
Earthjustice  
1250 I Street NW  
Washington, DC 20001  
Phone: (202) 797-5257  
Email: alineberry@earthjustice.org

Julia K. Forgie  
*(pro hac vice forthcoming)*  
Natural Resources Defense Council  
1314 Second Street  
Santa Monica, CA 90401  
Phone: (301) 434-2300  
Email: jforgie@nrdc.org

Joshua A. Berman  
*(pro hac vice forthcoming)*  
Sierra Club  
50 F Street NW, 8th Floor  
Washington, DC 20001  
Phone: (202) 650-6062  
Email: josh.berman@sierraclub.org

*Counsel for Citizens Campaign for the  
Environment, Conservation Law Foundation,  
Environmental Protection Information Center,  
Natural Resources Defense Council, and New  
York League of Conservation Voters*

*Counsel for Sierra Club*

Francis W. Sturges, Jr.  
*(pro hac vice forthcoming)*  
Danielle C. Fidler  
*(pro hac vice forthcoming)*  
Clean Air Task Force  
114 State Street, 6th Floor  
Boston, MA 02109  
(617) 624-0234  
fsturges@catf.us  
dfidler@catf.us

Phelps Turner  
*(pro hac vice forthcoming)*  
Environmental Defense Fund  
257 Park Avenue South  
New York, NY 10010  
Phone: (212) 624-8846  
Email: pturner@edf.org

*Counsel for Environmental Defense Fund*

*Counsel for Clean Air Task Force*

**CERTIFICATE OF SERVICE**

I, Jaimini Parekh, certify that this document was filed through the CM/ECF system on June 18, 2026, and will be sent electronically to the registered participants as identified in the Notice of Electronic Filing (NEF).

*/s/ Jaimini Parekh* \_\_\_\_\_