

United States Senate

WASHINGTON, DC 20510

August 27, 2026

The Honorable Doug Burgum
Secretary
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Burgum:

We write to express serious concerns regarding reports of the Department of Interior's (DOI) failure to fully comply with the U.S. District Court's April 21, 2026 preliminary injunction in *Renew Northeast v. U.S. Department of the Interior*, No. 1:25-cv-13961 (D. Mass.). In November 2025, we sent you a letter with questions regarding one of the DOI memos addressed in the case, but never received a response. While this injunction took immediate effect and remains in force, reports from industry participants raise serious questions regarding whether DOI has fully complied with the Court's injunction.

As you know, the Court's injunction explicitly prohibits DOI and its officials from applying the DOI Review Procedures Memorandum, the Wind and Solar Fish and Wildlife Service database Ban, Section 4 of the DOI Land Order, Section 4(c) of the U.S. Army Corps of Engineers Memorandum, and M-Opinion 37086. The Court clearly intended for the covered wind and solar permitting reviews to proceed to timely decisions without these needless bureaucratic roadblocks. Yet, wind and solar developers continue to report that DOI personnel are forcing covered project applicants to repeatedly document and prove their eligibility for these protections, despite the fact that plaintiffs previously provided DOI with a list of covered members. Applicants also report that DOI staff have received little or no internal guidance regarding implementation of the Court's injunction. These reports are not isolated or short-lived: developers continue to describe these delays more than three months after the injunction took effect, indicating an ongoing pattern of noncompliance rather than a transitional implementation issue. DOI's actions are creating severe regulatory uncertainty, threatening to permanently sideline projects at a time when Western families, farmers, and businesses are facing rising energy demand and higher costs.

Western states depend on reliable and affordable energy to keep our grid secure and our economies competitive. Wind and solar are the least expensive and fastest-to-deploy sources of new electricity generation available. Dragging out permitting timelines in direct violation of a federal court order is not only illegal, but it also needlessly stalls private investment and drives up household energy costs. Furthermore, your recent testimony before the House Natural Resources Committee, where you reportedly rejected the premise of the ruling and called it "absurd" for a judge to dictate internal processes, raises concerns. While DOI has the right to appeal, it is legally obligated to comply with the injunction. Moreover, impeding the deployment of the lowest-cost energy sources directly undermines the administration's stated goals of unleashing American energy and ensuring affordability.

To ensure compliance with the law and restore certainty to energy developers and Western stakeholders, we request answers to the following questions:

- 1. Internal Guidance** - What types of written internal guidance or implementation instructions regarding compliance with the Court's injunction has DOI provided to staff? Please provide copies of any implementation memoranda, directives, guidance documents, training materials,

emails, or other instructions on this topic. If no such materials exist, explain what alternative measures DOI has taken to ensure consistent compliance throughout DOI;

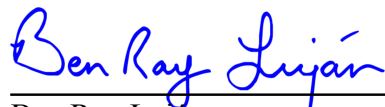
2. **Applicant Identification** - What instructions has DOI provided staff for identifying plaintiffs and their members? Please provide communications to DOI staff and explain the steps that DOI is taking to minimize duplicative verification procedures.
3. **Permitting Progress** - What steps has DOI taken since the Court injunction to ensure that covered permitting reviews are proceeding to timely agency action? Please identify, by bureau or office where practicable, the number of covered permitting reviews that have advanced since entry of the Court's injunction, including consultations completed, biological opinions issued, permits or other authorizations issued or denied.
4. **Stalled Reviews** - Which covered permitting reviews remain paused or materially delayed following entry of the Court's injunction? Please provide a list and explain the specific reason for any such delay, including whether it is related to eligibility verification, lack of implementation guidance, application of one of the court-blocked policies, or some other basis. The lists from questions 3 and 4 should add up to the total number of permitting reviews under consideration by DOI between April 21 and now.

We respectfully request a written response to these questions no later than September 1, 2026. We urge you to follow the law and comply with federal court orders to ensure that federal permitting supports, rather than undermines, an affordable and secure energy future.

Sincerely,



Michael F. Bennet
United States Senator



Ben Ray Lujan
United States Senator



John Hickenlooper
United States Senator