

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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PAMELA MAHONEY;  
MICHAEL MAHONEY;  
LISA SOLOMON; and  
MITCH SOLOMON,

Plaintiffs,

-against-

Civil Action No.  
22 CV 01305

(Block, J.)  
(Tiscione, M.J.)

U.S. DEPARTMENT OF THE  
INTERIOR; BUREAU OF OCEAN ENERGY  
MANAGEMENT; U.S. DEPARTMENT OF  
THE ARMY; and U.S ARMY CORPS  
OF ENGINEERS,

Defendants

And

SOUTH FORK WIND LLC,

Defendant-Intervenor,

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**DECLARATION OF AUSA VINCENT LIPARI IN  
SUPPORT OF THE FEDERAL DEFENDANTS'  
MOTION TO DISMISS FOR LACK OF STANDING  
AND FAILURE TO STATE A CLAIM**

1. I am an Assistant United States Attorney, of counsel to BREON PEACE, United States Attorney for the Eastern District of New York, attorney for defendants U.S. Department of the Interior; Bureau Of Ocean Energy Management ("BOEM"); U.S. Department of the Army; and U.S Army Corps of Engineers (the "Army Corps") (collectively, the "Federal Defendants").

2. I respectfully submit this declaration in support of the Federal Defendants' motion: (1) to dismiss the complaint in its entirety, pursuant to Fed. R. Civ. P. 12(b)(1), for lack

of subject matter jurisdiction because plaintiffs lack standing; or, (2) to dismiss plaintiffs second and third claims, pursuant to Fed. R. Civ. P. 12(b), for failure to state a claim.

3. The significance of the annexed documents is explained in the Federal Defendants' accompanying memorandum of law in support of their motion to dismiss the complaint.

4. Annexed as Exhibit A is a true and complete copy of all pages in the Final Environmental Impact Statement referred to in the accompanying memorandum of law. The entire document (1,317 pages) is at <https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/SFWF%20FEIS.pdf>.

5. Annexed as Exhibit B is a true and complete copy of all pages in a March 18, 2021 PSC Order referred to in the accompanying memorandum of law.

6. Annexed as Exhibit C is a true and complete copy of an August 12, 2021 PSC Order referred to in the accompanying memorandum of law.

7. Annexed as Exhibit D is a true and complete copy of an order dated January 26, 2022 by the Appellate Division, Second Department in Citizens for Preservation of Wainscott, Inc., et al. v. New York State Public Service Commission, et al., 2021-06582 (App. Div. 2d Dep't) referred to in the accompanying memorandum of law.

8. Annexed as Exhibit E is a true and complete copy of all pages referred to in the accompanying memorandum of law of a petition filed in Citizens for the Preservation of Wainscott, Inc. et al. v. Town Board of the Town of East Hampton et al., 6018474/2021 (Sup. Ct. Suffolk Co.).

9. Annexed as Exhibit F is a true and complete copy of an order dated February 24, 2022 in the foregoing case referred to in the accompanying memorandum of law.

I hereby declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge, information and belief.

Dated: Central Islip, New York  
September 21, 2022

BREON PEACE  
United States Attorney

By: S/VINCENT LIPARI  
VINCENT LIPARI  
Assistant U.S. Attorney  
(631)715-7864

OCS EIS/EA  
BOEM 2020-057

# South Fork Wind Farm and South Fork Export Cable Project Final Environmental Impact Statement



August 2021

U.S. Department of the Interior  
Bureau of Ocean Energy Management

BOEM

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**ENVIRONMENTAL IMPACT STATEMENT  
SOUTH FORK WIND FARM AND SOUTH FORK EXPORT CABLE PROJECT**

Draft ( ) Final (X)

**Lead Agency:**

U.S. Department of the Interior, Bureau of  
Ocean Energy Management (BOEM)

**Cooperating Federal Agencies:**

U.S. Department of Commerce, National  
Oceanic and Atmospheric  
Administration

National Marine Fisheries Service

U.S. Department of Defense, U.S. Army  
Corps of Engineers

U.S. Department of Homeland Security,  
U.S. Coast Guard

U.S. Department of the Interior, Bureau of  
Safety and Environmental Enforcement

U.S. Environmental Protection Agency

**Cooperating Tribal Nation:**

None

**Area:**

Lease Area OCS-A-0517

**Cooperating State and Local Agencies:**

Commonwealth of Massachusetts Office of  
Coastal Zone Management

State of Rhode Island Coastal Resources  
Management Council

State of Rhode Island Department of  
Environmental Management

Town of East Hampton

Trustees of the Freeholders and  
Commonalty of the Town of East  
Hampton

**Contact Person:**

Mary Boatman, National Environmental  
Policy Act Coordinator

Office of Renewable Energy Programs,  
Environment Branch for Renewable Energy  
Bureau of Ocean Energy Management  
45600 Woodland Road

Sterling, Virginia 20166  
(703) 787-1662

**Abstract:**

The *South Fork Wind Farm and South Fork Export Cable Project Final Environmental Impact Statement* (final EIS) assesses the reasonably foreseeable impacts to physical, biological, socioeconomic, and cultural resources that could result from the construction and installation, operations and maintenance, and conceptual decommissioning of a commercial-scale wind energy project, the South Fork Wind Farm and South Fork Export Cable Project (the Project), located in the area covered by BOEM Renewable Energy Lease Number OCS-A 0517, approximately 19 miles southeast of Block Island, Rhode Island, and 35 miles east of Montauk Point, New York.

South Fork Wind, LLC, is proposing the Project, which is designed to contribute to New York's renewable energy requirements, particularly, the state's goal of generating 9,000 megawatts of offshore wind energy by 2030. BOEM has prepared the EIS following the requirements of the National Environmental Policy Act (42 USC 4321-4370f) and implementing regulations. This final EIS will inform BOEM in deciding whether to approve, approve with modifications, or disapprove the Project. Cooperating agencies will rely on the final EIS to support their decision making and to determine if the analysis is sufficient to support their decision. BOEM's action furthers United States policy to make the Outer Continental Shelf energy resources available for development in an expeditious and orderly manner, subject to environmental safeguards (43 USC 1332(3)), including consideration of natural resources and existing ocean uses.

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