

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

VIRGINIA ELECTRIC AND POWER)	
COMPANY, D/B/A DOMINION ENERGY)	
VIRGINIA; OWS PROJECT LLC,)	
<i>Plaintiffs,</i>)	
v.)	Case No.
)	
UNITED STATES DEPARTMENT OF THE)	
INTERIOR ; BUREAU OF OCEAN)	
ENERGY MANAGEMENT ; DOUGLAS)	
BURGUM, Secretary of the Interior, in his)	
official capacity ; MATTHEW GIACONA,)	
Acting Director, Bureau of Ocean Energy)	
Management, in his official capacity,)	
)	
<i>Defendants,</i>)	
)	

DECLARATION OF MATTHEW GIACONA

I, Matthew Giacona, declare as follows:

1. I am the Principal Deputy Director of the Bureau of Ocean Energy Management (“BOEM”) within the Department of the Interior (“Department”). I also have served in a temporary capacity as the Bureau’s Acting Director since approximately July 2025. I have served as Principal Deputy Director since May 18, 2025. Prior to this role, I served as Senior Advisor to the Secretary of the Interior from March 24, 2025, to May 17, 2025.
2. As part of my responsibilities as the Principal Deputy Director of BOEM, I oversee BOEM’s review, approval, regulation and oversight of offshore wind projects in federal waters on the U.S. outer continental shelf.
3. On behalf of the Department, in my role as Principal Deputy Director of BOEM, I have reviewed the documents described below.

4. Virginia Electric and Power Company, d/b/a Dominion Energy Virginia, and OSW Project, LLC (“Virginia Electric”) was awarded Lease OCS-A 0483 under the Outer Continental Shelf Lands Act on September 4, 2013. On November 1, 2013, the commercial wind energy lease with Virginia Electric went into effect. BOEM approved amendments to Lease OCS-A 0483 on March 28, 2016, December 6, 2023, and January 15, 2025.
5. The lease did not authorize the lessee to perform any activity unless Virginia Electric submitted to BOEM, and BOEM subsequently approved, a construction and operation plan (“COP”) for Lease OCS-A 0483. Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf, § 2 (2025) and 30 C.F.R. § 585.200.
6. On December 17, 2020, Virginia Electric submitted its first COP and submitted its last update on September 8, 2023. On October 30, 2023, the Principal Deputy Assistant Secretary for Land and Minerals Management signed a Record of Decision (“ROD”) for the Central Virginia Offshore Wind Commercial Project (“CVOW”) COP (dated September 8, 2023). The ROD announced the Department’s decision to approve the COP with modifications.
7. On January 28, 2024, BOEM approved the CVOW COP, which authorized the construction and operation of the CVOW Project. On the same day, BOEM issued a COP approval letter to Virginia Electric and Power Company, d/b/a Dominion Energy Virginia, which is the holder of lease OCS-A 0483, informing them that the COP for the CVOW Project was approved and the conditions of that approval.

8. On January 20, 2025, President Trump issued a Presidential Memorandum entitled, *Temporary Withdrawal of All Areas on the Outer Continental Shelf from Offshore Wind Leasing and Review of the Federal Government's Leasing and Permitting Practices for Wind Projects* (Presidential Wind Memo). Section 1 of the Presidential Wind Memo directs the Secretary of the Interior to “conduct a comprehensive review of the ecological, economic, and environmental necessity of terminating or amending any existing wind energy leases, identifying any legal bases for such removal, and submit a report with recommendations to the President.” 90 Fed. Reg. 8363 (Jan. 20, 2025).
9. As an outgrowth of the review called for by the Presidential Memorandum, the Department of War (“DOW”), in November 2025, completed an additional assessment regarding the national security implications of offshore wind projects and provided senior leadership at the Department of the Interior with new classified information, including a discussion of the rapid evolution of relevant adversarial technologies and the direct impacts to national security that arise from the construction and operation of offshore wind projects in proximity to early warning monitoring systems, and military and civilian radar systems. These distinct impacts are heightened by the CVOW Project’s sensitive location near many military installations onshore in Virginia and the potential to cause serious, immediate, and irreparable harm to our Nation.
10. The Department of War has designated the classified material with a secret designation.
11. I reviewed this classified material with a secret designation on November 26, 2025, and then again with senior Department leadership in early December 2025. Until my review and to my knowledge, BOEM had not considered the previously undisclosed specific

national security risks posed by offshore wind projects that were set forth in the DOW classified material with a secret designation.

12. After my review of DOW's classified material with a secret designation, and review of CVOW Project's current mitigations as they relate to ensuring the protection of national security interests, I determined that CVOW Project's activities did not adequately provide for the protection of national security interests, as set forth in 43 U.S.C. § 1337(p)(4)(F), absent potential mitigation measures.

13. Given the active construction activities of the CVOW Project, BOEM is attempting to accommodate Virginia Electric to determine if the national security risks identified by the DOW can be adequately mitigated.

14. On December 22, 2025, based on the authority provided by 30 C.F.R. § 585.417(b), I issued a Director's Order to Joshua J. Bennett, Vice President, Offshore Wind, Virginia Electric and Power Company, suspending all ongoing activities related to the CVOW Project for the following 90 days for reasons of national security. A true and correct copy of the Director's Order is attached as **Exhibit A**. The Order informed Virginia Electric about the DOW assessment and stated:

Based on BOEM's initial review of this classified information, the particularized harm posed by this project can only be feasibly averted by suspension of on-lease activities. In coordination with DoW, BOEM will determine whether the national security threats relating to this project can be mitigated and invites you to meet and confer about that possibility. Given the construction status of this project, BOEM will consider all feasible mitigation measures before making a decision as to whether the project must be cancelled.

15. The information that I relied on to make the decision to send the suspension letter to Virginia Electric regarding the CVOW Project is the classified material with a secret designation received from DOW in November 2025.

16. I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed this 26th day of December, 2025

MATTHEW
GIACONA

Digitally signed by
MATTHEW GIACONA
Date: 2025.12.26
19:23:25 -05'00'

Matthew Giacona
Principal Deputy Director
Bureau of Ocean Energy Management
Department of the Interior

Exhibit A

to

Giacona Declaration



United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT
WASHINGTON, DC 20240-0001

Director's Order
December 22, 2025

Mr. Joshua J. Bennett
Vice President, Offshore Wind
Virginia Electric and Power Company
707 East Main Street
Richmond, VA 23219
Email: joshua.j.bennett@dominionenergy.com

Dear Mr. Bennett:

The Bureau of Ocean Energy Management (BOEM) is issuing this Director's Order to OSW Project LLC, pursuant to 30 C.F.R. § 585.417(b), to suspend all ongoing activities related to the Coastal Virginia Offshore Wind - Commercial Project on the Outer Continental Shelf for the next 90 days for reasons of national security. During this time, BOEM will coordinate with you to determine whether the national security threats posed by this project can be adequately mitigated.

In November 2025, the Department of War (DoW) completed an additional assessment regarding the national security implications of offshore wind projects, and provided senior leadership at the Department of the Interior with new classified information, including the rapid evolution of relevant adversary technologies and the resulting direct impacts to national security from offshore wind projects. These impacts are heightened by the projects' sensitive location on the East Coast and the potential to cause serious, immediate, and irreparable harm to our great nation.

Based on BOEM's initial review of this classified information, the particularized harm posed by this project can only be feasibly averted by suspension of on-lease activities. In coordination with DoW, BOEM will determine whether the national security threats relating to this project can be mitigated and invites you to meet and confer about that possibility. Given the construction status of this project, BOEM will consider all feasible mitigation measures before making a decision as to whether the project must be cancelled.

Finally, while BOEM and DoW endeavor to reach a determination on feasible mitigation measures within 90 days following the date of this letter, BOEM may further extend the 90-day suspension period based on the status of those discussions. Even though all ongoing activities at this project are suspended, you may perform any activities that are necessary to respond to emergency situations and/or to prevent impacts to health, safety, and the environment over the next 90 days and during any subsequent extensions.



United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT
WASHINGTON, DC 20240-0001

Please contact me at Matthew.Giacona@boem.gov or (202) 208-6300. I appreciate your attention to this matter and look forward to hearing from you quickly.

Sincerely,

Matthew N. Giacona
Acting Director