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Ocean and Coastal Case Alert

The National Sea Grant Law Center is pleased to offer the December 2025 issue of *Ocean and Coastal Case Alert*.

The Case Alert is a monthly newsletter highlighting recent court decisions impacting ocean and coastal resource management. (NSGLC-25-03-12).

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FIRST CIRCUIT

Thompson v. Wilson, No. 25-1007, 2025 WL 3214737 (1st Cir. Nov. 18, 2025).

The First Circuit Court of Appeals held that a Maine Department of Marine Resources (MDMR) rule requiring Maine lobstermen to install electronic tracking devices on their vessels was not an unreasonable search in violation of the Fourth Amendment. Citing a U.S. Supreme Court opinion, *New York v. Burger*, the First Circuit found that the rule falls under an administrative search exception for closely regulated industries: the rule serves a substantial government interest, warrantless searches are necessary to the regulatory scheme, and the rule provides a constitutionally adequate substitute for a warrant. The appellate court affirmed the district court's dismissal of the case.

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New York v. Trump, No. 25-CV-11221-PBS, 2025 WL 3514301 (D. Mass. Dec. 8, 2025).

The U.S. District Court for the District of Massachusetts vacated President Trump's executive memorandum directing federal agencies to suspend issuing all new permits, leases, and other authorizations required to develop and operate onshore and offshore wind energy projects until the government could review federal wind leasing and permitting practices. The court found that the memorandum constituted a final agency action that is arbitrary and capricious and contrary to law.

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THIRD CIRCUIT

New Jersey

Timpanaro v. Jenkinson's Pavilion, Inc., No. A-0183-24, 2025 WL 3248003 (N.J. Super. Ct. App. Div. Nov. 21, 2025).

During a visit to the defendant's beachfront property in 2020, an individual walking along the wet sand was pulled into the ocean and drowned. A New Jersey court upheld an order granting summary judgment in favor of the private beach operator on claims for wrongful death, survivorship, and negligent infliction of emotional distress. On appeal, the individual's family argued that the trial court erred in granting summary judgment because: 1) its decision relied on factual errors, including the finding that the decedent was "in the water when he was struck by the waves;" 2) the defendant was not intended to be granted immunity under the Landowner's Liability Act (LLA); and 3) the court incorrectly concluded that the defendant did not violate the duty it owed to the plaintiffs. The court held that the defendant did not owe a duty to protect the individual from the ocean conditions at issue and that beach signage adequately warned of the danger, so the plaintiffs could not establish a prima facie negligence claim. However, the court agreed that the trial court erred in granting the defendant immunity under the LLA.

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FIFTH CIRCUIT

Sterling v. City of Jackson, Mississippi, No. 24-60370, 2025 WL 3205505 (5th Cir. Nov. 17, 2025).

A group of Jackson, Mississippi residents filed a class action lawsuit against the city and city officials, alleging they suffered lead poisoning as a result of the city knowingly contaminating drinking water. The plaintiffs asserted substantive due process claims under § 1983 for the violation of the right to bodily integrity and for state-created danger. The U.S. District Court for the Southern District of Mississippi granted the defendants' motion for judgment on the pleadings, finding the plaintiffs failed to state a substantive due process claim against the city and that the individual city officials were entitled to qualified immunity. The district court also dismissed the state law claims, declining to exercise supplemental jurisdiction. On appeal, the Fifth Circuit affirmed dismissal of the claims against the city officials. However, the court reversed dismissal of the due process claims against the city and vacated the dismissal of the state-law claims. The Fifth Circuit remanded the case to the district court.

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Louisiana

Murrell v. State Through Dep't of Wildlife & Fisheries, 2025-320 (La. App. 3 Cir. Nov. 19, 2025).

A Louisiana court of appeals affirmed a trial court judgment against the Louisiana Department of Wildlife and Fisheries (LDWF) for injuries and damage to a private individual and his boat. The incident at issue arose after a tugboat operated by an LDWF employee struck an overhanging tree branch, leaving the boat's dredge bucket and chains partially hanging off the vessel. Shortly after, the Governor of Louisiana declared a state of emergency for Hurricane Ida, and the boat was secured at an inland location. After the storm, the plaintiff attempted to maneuver around the unattended vessel but struck the hanging chains, causing the bucket to crash into his boat, sinking it and injuring him. A trial court ruled in favor of the plaintiff. On appeal, the state argued the trial court erred in applying and interpreting Louisiana's civil immunity statute related to storm preparation. The appellate court held that the trial court properly applied the statute and affirmed the judgment.

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NINTH CIRCUIT

San Luis Obispo Coastkeeper v. Cnty. of San Luis Obispo, No. 24-7807, 2025 WL 3467536 (9th Cir. Dec. 3, 2025).

The U.S. District Court for the Central District of California granted a mandatory preliminary injunction requiring the County of San Luis Obispo to take specific actions in its management of the Lopez Dam and Reservoir to protect the threatened steelhead trout. The county appealed, and the U.S. Court of Appeals for the Ninth Circuit vacated and remanded the injunction. The county argued that the injunction, while beneficial to the steelhead, would harm other species listed under the Endangered Species Act (ESA), including the California red-legged frog and the tidewater goby. It also argued that the district court failed to consider those impacts or weigh the balance of equities and the public interest. The Ninth Circuit agreed that, where mandatory injunctive relief under the ESA may benefit one protected species at the expense of others, a court must evaluate competing equities and the public interest as to all affected species. Because the district court did not conduct that analysis, the Ninth Circuit vacated the injunction and remanded for further proceedings.

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Oregon

Columbia Riverkeeper v. Oregon Fish & Wildlife Comm'n, 345 Or. App. 213 (2025).

Several nonprofit organizations and tribes challenged a 2022 rule by the Oregon Fish and Wildlife Commission and the Oregon Department of Fish and Wildlife (ODFW) regarding Oregon's Fish Passage Program. The rule had altered a requirement that artificial barriers, like dams, must be configured to allow migratory fish to pass through the barriers on their own volition. Instead, the rule allowed the collection and transport of the fish around the obstructions. The court overturned the rule, finding that ODFW did not comply with the required notice requirements for the rule change.

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Newport Fishermen's Wives, Inc. v. United States Coast Guard, No. 6:25-CV-02165-AA, 2025 WL 3274858 (D. Or. Nov. 24, 2025).

In 1987, the U.S. Coast Guard opened the Newport Air Facility to provide rapid helicopter response for civilian rescues. In 2014, after concern that the facility would close, Congress acted to keep it open longer and added extra requirements for any future closure, including ensuring that rescue needs would be met elsewhere and providing opportunities for public meetings and comment. In fall 2025, the Coast Guard began dramatically reducing operations at Newport in preparation for a looming closure. The plaintiffs challenged the effective closure, arguing that the Secretary of Homeland Security had not followed the required procedures. They sought a temporary restraining order, which the court granted, requiring the Coast Guard and the Department of Homeland Security to restore operations at the facility for fourteen days while a preliminary injunction hearing could be held.

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ELEVENTH CIRCUIT

Alabama

Russo v. Raimondo, No. CV 24-00186-JB-M, 2025 WL 3280947 (S.D. Ala. Nov. 24, 2025).

On May 10, 2024, the National Marine Fisheries Service (NMFS) issued a final rule decreasing the stock catch limits for gag grouper in the Gulf of Mexico. Commercial fishermen and a fishing corporation challenged the rule, arguing it was invalid because members of the Gulf of Mexico Fishery Management Council were unconstitutionally appointed and exercised impermissible authority. Relying on recent decisions holding that Council members are "Officers of the United States" and that the three "pocket veto" provisions in the Magnuson-Stevens Act are unconstitutional, the court severed those provisions rather than vacating the rule. The court concluded that NMFS still had valid delegated authority from the Secretary of Commerce and declined to vacate the final rule, leaving the reduced gag grouper catch limits in place.

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