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Ocean and Coastal Case Alert

The National Sea Grant Law Center is pleased to offer the May 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-25-03-05).

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FIFTH CIRCUIT

Ruffin v. BP Expl. & Prod., Inc., No. 23-30854, 2025 WL 1367185 (5th Cir. May 12, 2025).

In a toxic-tort case arising from the 2010 Deepwater Horizon oil spill, the U.S. Court of Appeals for the Fifth Circuit upheld a district court's summary judgment ruling in favor of BP. The plaintiff, an oil spill clean-up worker, sued BP alleging that his exposure to crude oil after the spill led to his prostate cancer diagnosis. The Fifth Circuit agreed with the district court's conclusion that the evidence from the plaintiff's expert witness was inadmissible under federal evidence rules and Supreme Court precedent, as the studies conducted by the witness were limited to one kind of chemical that the worker wasn't exposed to.

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SIXTH CIRCUIT

Enbridge Energy, LP v. Whitmer, No. 24-1608, 2025 WL 1174379 (6th Cir. Apr. 23, 2025).

In a lawsuit concerning the operation of a pipeline crossing the Straits of Mackinac, the Sixth Circuit Court of Appeals recently affirmed a ruling that allows Enbridge Energy's federal lawsuit against Michigan Governor Gretchen Whitmer and the director of the state Department of Natural Resources (collectively, Michigan) to proceed. In 2020, Michigan attempted to revoke an easement for the pipeline, citing safety concerns and alleged violations of easement terms. Enbridge sued, and Michigan asserted it had immunity from the suit. The court determined that Enbridge's claims, in which they argued that Michigan's actions violated federal law including the Pipeline Safety Act and Commerce Clause, fall within the *Ex parte Young* exception to Eleventh Amendment immunity because the requested relief would neither deprive Michigan of substantial control over its submerged lands nor constitute a demand for specific performance of a state contract.

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Mitchell v. City of Benton Harbor, Michigan, No. 23-1970, 2025 WL 1300370 (6th Cir. May 6, 2025).

After several hundred children drank lead-contaminated water from Benton Harbor, Michigan's public water system, their guardians sued several state and city officials, as well as two engineering firms, on their behalf. They asserted substantive-due process and state-created-danger claims under § 1983, a cause of action for individuals whose constitutional rights have been violated by state or local officials, and state law negligence claims. They alleged that the defendants failed to mitigate, and even exacerbated, the lead-water crisis and misled the children about the dangers of drinking water. A federal district court dismissed the complaint. On appeal, the Sixth Circuit affirmed dismissal of the § 1983 claim against state officials. However, the court reversed dismissal of the claims against the city and city officials, remanding to the lower court.

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Ohio

White's Landing Fisheries, Inc. v. Dep't of Nat. Res. Div. of Wildlife, No. 3:24-cv-01371, 2025 WL 1141827

(N.D. Ohio Apr. 17, 2025).

The U.S. District Court for the Northern District of Ohio dismissed a lawsuit challenging commercial fishing regulations enacted in 2023. Plaintiffs alleged that the regulations, which eliminated seine fishing for yellow perch in Lake Erie, were an unlawful taking of property under the Fifth and Fourteenth Amendments. The court rejected the argument and ruled that while commercial fishing licenses may constitute property interests, license holders have no vested interest in uncaught fish, as they belong to the state. The court also dismissed the breach of fiduciary duty and civil conspiracy claims, finding that the Eleventh Amendment protects the state from suit and the federal defendants were improperly served.

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NINTH CIRCUIT

WildEarth Guardians v. U.S. Dep't of Agric., No. 23-2944, 2025 WL 1153907 (9th Cir. Apr. 21, 2025).

Environmental conservation organizations challenged U.S. Department of Agriculture (USDA) actions authorizing a predator damage and conflict management program in Nevada wilderness areas, and the Ninth Circuit Court of Appeals partially upheld and partially vacated a district court's decision regarding the program. The court affirmed that lethal predator management supporting livestock grazing is permissible under the Wilderness Act but found that USDA violated the National Environmental Policy Act (NEPA) by failing to adequately analyze localized environmental impacts, properly assess public health concerns from lead ammunition and cyanide devices, sufficiently consider impacts on unique wilderness areas, and engage with scientific uncertainty about lethal control methods. The court vacated USDA's environmental assessment and directed the agency to reconsider whether to prepare a revised assessment or conduct a full environmental impact statement under NEPA.

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ELEVENTH CIRCUIT

Maglana v. Celebrity Cruises Inc., No. 23-12476, 2025 WL 1300541 (11th Cir. May 6, 2025).

Following several months of confinement on board a cruise ship during the COVID-19 pandemic, several Filipino seamen brought a class action under general maritime law for false imprisonment, intentional infliction of emotional distress, employment discrimination, and wages and statutory penalties. The U.S. District Court for the Southern District of Florida granted the cruise ship operator's motion to compel arbitration, which was reversed by the U.S. Court of Appeals for the Eleventh Circuit. On remand, the district court granted the cruise ship operator's motion to

dismiss for failure to state a claim. On appeal, the Eleventh Circuit affirmed. The court held that to state a claim for false imprisonment under maritime law, a plaintiff must allege a willful detention without consent and without lawful authority. The court held that the cruise ship operator's confinement of the seamen during the COVID-19 pandemic was not unlawful, and thus such confinement did not support a claim for the maritime tort of false imprisonment. Finally, the confinement of the seamen during the pandemic was not outrageous, and thus did not support intentional infliction of emotional distress claims.

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Florida

S. Cross Seafoods, LLC v. United States, No. 0:24-cv-60040-LEIBOWITZ, 2025 WL 958237 (S.D. Fla. Mar. 31, 2025).

An American seafood importer, Southern Cross, challenged the U.S. government's denial of its request for a preapproval certificate to import Patagonian toothfish harvested in the South Atlantic Ocean. The U.S. reasoned that allowing fishing in the absence of a conservation measure (CM) would be inconsistent with the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR). The CCAMLR is a multilateral treaty established in 1980 to conserve Antarctic marine ecosystems through science-based conservation measures, including setting catch limits. The treaty established the Commission of Antarctic Marine Living Resources (the Commission), which is required, under CM 31-01, to adopt toothfish catch limits or other measures for each season. However, the Commission failed to reach a consensus on a catch limit for the 2021/2022 season due to a veto by Russia. The district court first established that while Southern Cross lacked standing for a declaratory judgment claim, it had prudential standing to pursue its Administrative Procedure Act claim. On the merits, the court found ambiguity in CM 31-01 on whether the failure of the Commission to establish a catch limit for toothfish prevents all toothfish harvesting. However, it concluded that allowing fishing in such circumstances would undermine the treaty's purpose and lead to potentially unrestricted exploitation of Antarctic marine resources. The denial of the import request was therefore affirmed.

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Bear Warriors United, Inc. v. Lambert, No. 6:22-cv-2048-CEM-LHP, 2025 WL 1122327 (M.D. Fla. Apr. 11, 2025).

The U.S. District Court for the Middle District of Florida held that Florida's Department of Environmental Protection (FDEP) violated the Endangered Species Act (ESA) despite following Clean Water Act requirements. Thousands of West Indian Manatees starved to death in Florida's North Indian River Lagoon (IRL) after nutrient pollution from FDEP-regulated wastewater discharges caused algae blooms that depleted manatees' primary food source, seagrass. The court determined that the plaintiffs had standing to bring the case and that FDEP violated the ESA, as there existed an ongoing risk of manatee takings under its current regulatory regime. The court explained that the North IRL's remediation would take at least a decade, during which legacy pollutants would continue to destroy seagrasses and harm manatees. Additionally, the court rejected FDEP's constitutional challenge based on the Anticommandeering Doctrine and ordered FDEP to apply for an incidental take permit to develop a formal plan to minimize and mitigate impacts during the recovery period.

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D.C. CIRCUIT

Sierra Club v. U.S. Dep't of Energy, No. 20-1503, 2025 WL 1107681 (D.C. Cir. Apr. 15, 2025).

The D.C. Circuit Court of Appeals denied petitions challenging the U.S. Department of Energy's (DOE) approval of an Alaskan liquified natural gas (LNG) project's application to export natural gas to non-free trade agreement countries. In their petitions, environmental groups argued that DOE did not correctly apply the public interest standard under the Natural Gas Act and violated the National Environmental Policy Act (NEPA). The court ruled that substantial evidence in DOE's orders and the Federal Energy Regulatory Commission's (FERC) impact statements supported DOE's determination that uncertainties in predicting market dynamics and environmental impacts of LNG in foreign countries made further analysis too speculative to meaningfully inform the public interest standard under the Natural Gas Act. Emphasizing the Act's presumption favoring export applications, the court held that DOE's decision not to quantify downstream emissions in foreign countries did not violate NEPA. The court also noted that petitioners were largely precluded from raising arguments already addressed in a previous case that had upheld FERC's environmental impact statement for the same project.

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