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Ocean and Coastal Case Alert

The National Sea Grant Law Center is pleased to offer the February 2026 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-26-03-02).

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FOURTH CIRCUIT

Virginia

Virginia Elec. & Power Co. v. United States Dep’t of the Interior, No. 2:25-CV-830, 2026 WL 125783 (E.D. Va. Jan. 16, 2026).

On January 16, 2026, a federal district court granted a preliminary injunction in favor of Dominion Energy Virginia and OSW Project LLC (together, “Dominion”), blocking an order from the Bureau of Ocean Energy Management (BOEM) pausing activity on five offshore wind leases. In December, BOEM had announced it would suspend the leases due to national security concerns, stating that offshore wind turbines could interfere with radar systems and generate false signals. Shortly thereafter, Dominion challenged the suspension, arguing that it violated the Administrative Procedure Act. The court concluded that Dominion demonstrated a likelihood of success on the merits and that it would suffer irreparable harm absent injunctive relief. The court further found that the preliminary injunction best served the public interest.

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FIFTH CIRCUIT

In re Aries Marine Corp., No. 25-30010, 2026 WL 350683 (5th Cir. Feb. 9, 2026).

After a liftboat accident on an offshore platform led to a personal injury claim, the liftboat company sought indemnification from the injured person’s employer, United Fire & Safety (UF), under a master services contract between UF and the platform operator. The district court found that the contract was not maritime in nature, and the applicable state law, the Louisiana Oilfield Anti-Indemnity Act, barred defense and indemnity contract provisions for personal injury claims. The Fifth Circuit Court of Appeals affirmed this decision. The court reasoned that there was not a shared expectation that a vessel would play a substantial role in the completion of the contract; therefore, the contract was nonmaritime and the liftboat company is not insulated from the torts claim.

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Louisiana

Louisiana v. Nat’l Marine Fisheries Serv., No. 2:25-CV-00691, 2026 WL 184236 (W.D. La. Jan. 23, 2026).

The State of Louisiana and several private companies challenged the issuance of a biological opinion (BiOp) by the National Marine Fisheries Service (NMFS) related to oil and gas activities in the Gulf. They alleged that both the BiOp’s jeopardy determination and its incidental take statement were arbitrary and capricious. The plaintiffs argued that the BiOp’s findings were speculative and unsupported by the best available science, and that the resulting reasonable and prudent alternatives (RPAs) and reasonable and prudent measures (RPMs) violated the Endangered Species Act because they were based on flawed assumptions. NMFS maintained that the BiOp relied on the best available scientific data and that its methodologies and conclusions were reasonable. Ultimately, the district court granted plaintiffs’ motion for summary judgment and motion to supplement the administrative record, held the BiOp’s jeopardy determination (and resulting RPAs) and portions of the incidental take statement unlawful, and ordered additional briefing on the appropriate remedy.

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SIXTH CIRCUIT

Michigan

United States v. Michigan, No. 1:25-CV-496, 2026 WL 194031 (W.D. Mich. Jan. 24, 2026).

President Trump issued Executive Order No. 14260, “Protecting American Energy from State Overreach,” which directed the Attorney General to prevent the enforcement of state laws that burden domestic energy resources. Sixteen days later, the Department of Justice (DOJ) filed suit against the State of Michigan to preempt lawsuits filed against fossil fuel companies seeking damages related to climate change. The federal district court dismissed the case, finding that the issue was not ripe for judicial review and the federal government lacked standing to bring the case, as Michigan had not filed any lawsuits and any injury faced by the federal government was hypothetical.

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NINTH CIRCUIT

Alaska

Sovereign Inupiat for a Living Arctic, et al., v. Burgum, No. 3:25-CV-00356-SLG, 2026 WL 215560 (D. Alaska Jan. 27, 2026).

Environmental groups challenged the Bureau of Land Management’s (BLM) approval of a winter exploration program in the National Petroleum Reserve in Alaska and sought a preliminary injunction preventing the exploration. The federal court overseeing the case denied the request, finding the plaintiffs failed to demonstrate a fair chance of success on the merits. On November 26, 2025, BLM approved the winter program after conducting an Environmental Assessment. On December 11, 2025, the environmental groups challenged the approval, arguing that the mitigation measures to prevent unnecessary harm to vegetation were ineffective and thus violated the Naval Petroleum Reserves Production Act (NPRPA). On December 22, 2025, BLM revised its mitigation measures. The court determined that the plaintiffs had not shown BLM’s mitigation measures were arbitrary under the NPRPA and denied the request for preliminary relief.

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DC CIRCUIT

District of Columbia

Center for Biological Diversity v. Burgham, et al., No. 1:24-CV-02014 (TNM), 2026 WL 180258 (D.D.C. Jan. 23, 2026).

The Center for Biological Diversity (the Center) brought suit to compel the Department of the Interior (DOI) to rewrite a 2005 programmatic Environmental Assessment (EA) related to decommissioning oil and gas producing structures in waters off the Gulf Coast. The Center contended that the DOI has been lax in their duty to decommission oil and gas infrastructure, threatening marine animals, including sperm whales, sea turtles, giant manta rays, and whooping cranes, through potential oil spills and other toxic chemical leaks. The court dismissed the suit. The court held that while the Center had adequate standing to bring the lawsuit, the suit failed under the Administrative Procedure Act, as the suit targeted broad, programmatic actions rather than a specific agency action.

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Koloa Rum Co. v. Noem, No. CV 25-554 (JEB), 2026 WL 145882 (D.D.C. Jan. 20, 2026).

A Hawaiian rum company challenged the constitutionality of the Jones Act, which requires transport between domestic ports occur via ships owned, built, and primarily crewed by U.S. citizens. The company claimed that the Act discriminates against Hawaii by raising shipping costs. The court granted the government’s motion to dismiss the case. The judge stated the Jones Act is “a facially neutral statute with a nondiscriminatory purpose: promoting the American merchant marine for commerce and national defense.”

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