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Ocean and Coastal Case Alert

The National Sea Grant Law Center is pleased to offer the June 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-26-03-06).

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U.S. SUPREME COURT

Havana Docks Corp. v. Royal Caribbean Cruises, Ltd., No. 24-983, 2026 WL 1423365 (U.S. May 21, 2026).

Havana Docks, an American company, filed suit against four cruise lines for using docks that the Cuban government had seized from the company in the 1960s. The company brought suit under a 1996 law that allows U.S. nationals to bring lawsuits against anyone who "traffics in property which was confiscated by the Cuban Government on or after January 1, 1959." Prior to 2019, U.S. presidents routinely suspended the right to bring a lawsuit under the law. The district court awarded Havana Docks over $100 million from each cruise line, holding that the cruise lines were liable for trafficking in property confiscated by the Cuban government. On appeal, the Eleventh Circuit reversed, holding that the cruise lines were not liable because the company's claim to the docks had expired in 2004. The U.S. Supreme Court disagreed, holding that the expired property interest was irrelevant because the act of using the previously confiscated docks was unlawful. The Court vacated the Eleventh Circuit's decision and remanded for further proceedings.

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FIRST CIRCUIT

Massachusetts

Conservation Law Found., Inc. v. Chelsea Sandwich LLC, No. CV 24-11766-RGS, 2026 WL 1470285 (D. Mass. May 26, 2026).

The Conservation Law Foundation (CLF) filed suit against two subsidiaries of an energy supply company, alleging that they violated the Clean Water Act by unlawfully discharging pollutants at two oil storage terminals located adjacent to or feeding into Boston Harbor. CLF alleged that the company violated National Pollutant Discharge Elimination System (NPDES) permits by exceeding numeric and narrative effluent limitations and by violating monitoring and reporting requirements. The court granted the company's summary judgment motion regarding all claims except for a mootness claim for the one facility and the violation of a monitoring requirement to take samples within the first 60 minutes of discharge at both facilities. The court has required the parties to submit proposals for final judgment.

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THIRD CIRCUIT

Delaware

Fenwick Island v. State, No. 153, 2026 WL 1468816 (Del. May 26, 2026).

The Delaware General Assembly passed legislation authorizing conditional use permits for certain electrical substations for renewable energy projects off the Delaware and Maryland coasts. Sussex County and the Town of Fenwick Island (collectively, Fenwick Island) filed suit against the state of Delaware, alleging that the legislation violated the separation of powers doctrine, due process protections, and the Delaware Constitution. The lower court dismissed Fenwick Island's claims and made a summary judgment ruling in favor of the state. On appeal, the Delaware Supreme Court affirmed the lower court's decision, upholding the legislation and allowing the energy projects to continue.

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FOURTH CIRCUIT

Virginia

W. Va. Rivers Coal., Inc. v. Chemours Co. FC, LLC, No. 25-1924, 2026 WL 1579491 (4th Cir. June 3, 2026).

The West Virginia Rivers Association sought a preliminary injunction against a chemical manufacturer, alleging the company was discharging "forever chemicals" into the Ohio River in violation of the Clean Water Act. Finding that the discharge was causing irreparable harm to the public and the environment, the federal district court granted the preliminary injunction and mandated that the company comply with its permit. The company has filed an appeal.

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FIFTH CIRCUIT

Plaquemines Par. v. BP Am. Prod. Co., No. 23-30294, 2026 WL 1449936 (5th Cir. May 22, 2026).

An American oil company attempted to remove a state lawsuit filed by a local parish and the Louisiana state government to federal court. The suit was filed under Louisiana's State and Local Coastal Resources Management Act, alleging the oil company lacked required extraction permits. Initially, the company removed the suit to federal court under the federal officer removal statute, arguing that it acted as a federal agent when the extraction began because it was contracted through the federal government. Both the district court and Fifth Circuit rejected this argument, and the U.S. Supreme Court granted certiorari. The Supreme Court then reversed the lower courts' decisions, holding the oil company qualified as a federal officer and was eligible for removal to federal court. The Fifth Circuit has transferred the case to the federal district court for further proceedings.

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NINTH CIRCUIT

California

Dummer v. City & Cnty. of San Francisco, No. A172588, 2026 WL 1506437 (Cal. Ct. App. May 29, 2026).

A California fisherman brought suit against San Francisco government entities, seeking immediate fishing access to the Calaveras Reservoir. Alleging multiple state constitutional and administrative violations, the fisherman sought to compel the city to obtain the permits necessary for public fishing access. At the first trial, the court held that the city was obligated to propose a fishing program in the reservoir if it did not impact water quality. The city complied by adopting a resolution allowing fishing at the reservoir after an environmental review was conducted, consistent with the California Environmental Quality Act (CEQA). The fisherman then filed a second complaint, arguing the city failed its duty by not immediately applying for the access permit. The trial court denied the petition, holding that there were no mandatory time or code requirements that would allow for immediate fishing access. On appeal, the California Court of Appeals agreed, holding the defendants had no ministerial duty to apply for a permit immediately and must first comply with other legal requirements, including CEQA. However, the court noted that the plaintiff is not barred from seeking relief in future stages of the permitting process.

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ELEVENTH CIRCUIT

Mobile Baykeeper, Inc. v. Ala. Power Co., 175 F.4th 1316 (11th Cir. 2026).

A watershed advocacy group brought suit against an electric plant operator, alleging the plant's future closure plan would cause toxic coal ash to leach into nearby waterways, violating a U.S. Environmental Protection Agency rule regulating coal ash storage. Initially, the district court dismissed the complaint, holding that the advocacy group did not have legal standing and, because the closure plan had not yet commenced, the claims were not ready for review. The Eleventh Circuit reversed the decision, holding that the group meets the three-factor standing requirement: injury, causation, and redressability. The court also addressed the timing-of-review issue, holding that the alleged violations can be enforced through existing federal policies now, rather than waiting for the closure plan to go into effect in the future. The case has been remanded to the district court for further proceedings.

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D.C. CIRCUIT

District of Columbia

Southeastern Fisheries Assoc., et al. v. Lutnick, No. CV 26-1533 (RC), 2026 WL 1430499 (D.D.C. May 21, 2026).

In May 2026, the National Marine Fisheries Service (NMFS) issued Exempted Fishing Permits (EFPs) to Florida, Georgia, South Carolina, and North Carolina, which would allow recreational fishermen to harvest South Atlantic red snapper and take the place of the 2026 federal recreational red snapper season. The EFPs were intended to provide the states the opportunity to pilot test state data collection and management strategies. Commercial fishing businesses, trade organizations, and individual commercial fishermen sought a preliminary injunction, arguing that the EFPs violated the Administrative Procedure Act because they were not a product of reasoned decisionmaking and would allow overfishing inconsistent with federal conservation requirements. The court granted the preliminary injunction, holding that the plaintiffs successfully met the legal standard by demonstrating a likelihood of success on the merits, a threat of irreparable harm, and that the public interest favored blocking the permits.

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Healthy Gulf v. Burgum, No. 23-CV-604 (APM), 2026 WL 1430514 (D.D.C. May 21, 2026).

In 2023, the Bureau of Ocean Energy Management (BOEM) conducted a sale of millions of acres in the Gulf of Mexico for oil and gas production. Environmental groups sued because the agency failed to properly analyze the sale's impact on greenhouse gas emissions and the endangered Rice's whale. The court ruled that the agency used outdated data that ignored major policy changes. However, BOEM issued an updated 2026 environmental review and argued the entire lawsuit was now moot. The court disagreed, holding that a live controversy remained because the environmental groups still sought to cancel the sale entirely. Ultimately, the court delivered a mixed outcome by remanding without vacatur. This requires the agency to fix its flawed environmental analysis but allows the leases to remain in effect during the correction process.

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FEDERAL CIRCUIT

Campo, et al. v. United States, No. 2024-2312, 2026 WL 1425479 (Fed. Cir. May 21, 2026).

In 2019, the U.S. Army Corps of Engineers opened the Bonnet Carré Spillway for 123 days to protect New Orleans from flooding, which released an influx of fresh water that destroyed local oyster stocks, beds, and reefs. The affected oyster farmers sued the federal government, requesting financial compensation for an unconstitutional taking of their private property under the Fifth Amendment. However, the court dismissed the case because Louisiana law prevents oyster lessees from suing the government over flood-control measures. Since these lease agreements prioritized public safety from the beginning, the farmers lacked the necessary constitutional property rights to sue the government for their losses.

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