

October

15
2026

Ocean and Coastal Case Alert

The National Sea Grant Law Center is pleased to offer the October 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-26-03-10).

Forward to a friend

Know someone who might be interested in our monthly newsletter?

Forward this email their way and help spread the word.

FIRST CIRCUIT

Bean Maine Lobster, Inc. v. Monterey Bay Aquarium Found., No. 25-1206, 2026 WL 3033741 (1st Cir. Oct. 9, 2026).

On appeal, the U.S. Court of Appeals for the First Circuit reversed and remanded a district court's denial of the Monterey Bay Aquarium Foundation's ("the Aquarium") motion to dismiss a defamation lawsuit. The Aquarium operates a conservation program called "Seafood Watch." The program raises awareness about sustainability and environmental concerns by assigning seafood products color-coded ratings. In September 2022, the Aquarium assigned American lobster caught from the Georges Bank and Gulf of Maine stocks a red rating due to concerns about the endangered North Atlantic right whale. As a result, members of the lobster industry alleged that they lost business and sued, arguing that the Aquarium's statements defamed the industry. The Aquarium moved to dismiss, arguing that the claims were barred by the group defamation rule, which generally prevents individual members of a large group from suing over statements directed at the group as a whole unless the statements specifically refer to them. The district court permitted the suit to proceed, finding that the statements fell within an exception to the rule. The First Circuit disagreed, reversed and remanded the case, holding that the Aquarium's statements did not particularly identify or single out the plaintiffs.

[Opinion Here](#)

Maine

Conservation Law Found., Inc. v. Cooke Aquaculture USA, Inc., No. 1:25-CV-00013-KFW, 2026 WL 2944497 (D. Me. Sept. 30, 2026).

The Conservation Law Foundation (CLF) filed suit alleging Cooke Aquaculture violated a Maine Pollutant Discharge Elimination System permit by discharging excess feed, feces, dead fish, chemicals, solid waste, and fuel at 13 salmon net-pen facilities. Cooke filed a motion to dismiss. The U.S. District Court for the District of Maine found that CLF had standing to bring the claims and partially granted the motion to dismiss. Adhering to the U.S. Supreme Court's 2025 decision in *City & County of San Francisco v. EPA*, the court agreed to dismiss CLF's claim related to the facility exceeding permit limitations that were issued without guidance for complying with those limitations. The court denied the dismissal of CLF's five remaining claims, finding the allegation of ongoing violations strong enough to ward off dismissal.

[Opinion Here](#)

FOURTH CIRCUIT

Virginia

Julia Bell, et al., v. Col. Sonny B. Avichal, et al., No. 2:25-CV-307, 2026 WL 2874718 (E.D. Va. Sept. 24, 2026).

Julia Bell and other residents of Virginia Beach challenged the U.S. Army Corps of Engineers' (Corps) approval of a wetlands restoration project under the Administrative Procedure Act (APA). The plaintiffs alleged that the project destroyed publicly available sections of the area that they previously enjoyed. They sought to enjoin the project and have the area fully restored. The Corps filed a motion to dismiss. The U.S. District Court for the Eastern District of Virginia granted the motion. The court found the request to enjoin the project moot because the project was complete. Additionally, ordering the Corps to undo the City of Virginia Beach's project was beyond the scope of the court's authority under the APA. The court denied the plaintiffs' motion to amend their complaint, finding those proposed claims futile: the federal claims would still be moot, state law claims were barred by sovereign immunity, and § 1983 substantive due process claim failed to adequately allege conduct sufficient to justify federal court intervention in a local land-use dispute.

[Opinion Here](#)

FIFTH CIRCUIT

Texas

Ctr. for Biological Diversity, et al. v. Nesvik, et al., No. 1:26-CV-831, 2026 WL 2824297 (S.D. Tex. Sept. 21, 2026).

The Center for Biological Diversity filed suit against the U.S. Fish and Wildlife Service (FWS) and SpaceX, challenging a proposed land exchange between the FWS and SpaceX in South Texas. The land at issue is part of the Lower Rio Grande Valley National Wildlife Refuge. The U.S. District Court for the Southern District of Texas found that the plaintiffs did not demonstrate the elements required to merit a preliminary injunction. First, they did not demonstrate a substantial likelihood of success on the merits, as they did not show substantial evidence that they have standing to bring the claim. Additionally, the court found the plaintiffs did not show irreparable injury if the preliminary injunction was not granted. Finally, the balance of equities and public interest did not favor the issuance of a preliminary injunction, as there was limited evidence that the project would result in aesthetic, environmental, cultural, or historical degradation. The court denied the motion for a preliminary injunction, and the land exchange will proceed.

[Opinion Here](#)

NINTH CIRCUIT

Alaska

Cook Inletkeeper, et al. v. U.S. Army Corps of Eng'rs, et al., No. 3:25-CV-00097-SLG, 2026 WL 2687236 (D. Alaska Sept. 14, 2026).

Cook Inletkeeper, an environmental organization, challenged the U.S. Army Corps of Engineers' approval of a Clean Water Act (CWA) § 404 permit allowing a mining company to discharge fill material into a private inholding within Lake Clark National Park in Alaska. The project area is at the headwaters of the Johnson River, which flows through Lake Clark National Park before emptying into Cook Inlet, approximately ten miles from Tuxedni Bay, a foraging ground for endangered Cook Inlet beluga whales. The court found the Corps' conclusion that the permit would have no effect on any listed species was not arbitrary and capricious in violation of the Endangered Species Act. The court also disagreed with the plaintiff's argument that the Corps violated the National Environmental Policy Act by failing to take a "hard look" at environmental impacts, particularly regarding acid mine drainage and metal leaching potential. Finally, the court rejected the argument that the Corps violated the CWA because there was a reasonable basis for the Corps' conclusion that the material sites would not impact waters of the United States. The district court denied the plaintiffs' motion for summary judgment and granted summary judgment to the federal defendants and the mining company.

[Opinion Here](#)

ELEVENTH CIRCUIT

Bear Warriors United, Inc. v. Florida Dept. Env't'l. Prot., No. 25-11612, 2026 WL 3026754 (11th Cir. Oct. 8, 2026).

Bear Warriors United, Inc. sued the Secretary of the Florida Department of Environmental Protection, alleging that the Department's wastewater regulatory scheme violated the Endangered Species Act (ESA) by harming manatee habitats in the North Indian River Lagoon. Bear Warriors initially obtained a permanent injunction of the challenged rules in federal district court, which held that the agency may be held accountable for indirect harm to the species under the ESA. The court relied upon the U.S. Fish and Wildlife Service's (FWS) regulatory definition of "take" and "harm." The state appealed. While the case was pending appeal, the FWS amended its definition of "harm." Due to the definition change, the U.S. Court of Appeals for the Eleventh Circuit vacated the district court's judgment and remanded it for the court to decide whether the new definition affects the court's judgment.

[Opinion Here](#)

D.C. CIRCUIT

District of Columbia

Ctr. for Biological Diversity v. Doug Burgum, et al., No. 24-CV-00990 (DLF), 2026 WL 2923932 (D.D.C. Sept. 29, 2026).

In 2024, the Center for Biological Diversity (CBD) challenged the Department of the Interior and the U.S. Fish and Wildlife Service's (FWS) 2018 biological opinion (BiOp) regarding oil and gas activities in the Gulf as they relate to the Endangered Species Act. CBD asked that the agencies "reinitiate consultation on the 2018 Biological Opinion to consider new information regarding the risks of oil spills... and all related activities in the Gulf," but the agencies issued a new Consultation Determination in March 2025 reaffirming the 2018 BiOp. CBD amended their complaint accordingly. In March 2026, at the request of Secretary of Defense Pete Hegseth, the Endangered Species Committee issued an order exempting oil and gas activities in the Gulf from the ESA's consultation requirements. The agencies asked the court to dismiss the 2024 challenge as moot due to the exemption order. The court held that because the analyzed activities from the 2018 BiOp and 2025 Consultation Determination are no longer subject to the ESA's consultation requirement, the case was moot. CBD argued the case should be stayed until challenges to the exemption order are settled. The court declined to stay the case because CBD could again challenge the BiOp and 2025 Consultation Determination if the exemption order is struck down. The court granted the motion to dismiss.

[Opinion Here](#)

Arthur West v. Nat'l. Oceanic & Atmospheric Admin., et al., No. 24-CV-3143 (CRC), 2026 WL 2937509 (D.D.C. Sept. 30, 2026).

Arthur West, a pro se plaintiff, challenged federal and state agency actions related to the Deschutes Estuary Project in Washington State, which involves removing the 5th Avenue Dam in Olympia to restore natural tidal flows between the Deschutes River and Budd Inlet. West alleged that a 2024 NOAA cooperative agreement providing approximately \$6.4 million in federal funding for conceptual design work, along with various state actions including a 2025 Washington State budget appropriation and letters of intent seeking additional funding, violated the National Environmental Policy Act due to inadequate environmental review. The court found that West lacked standing to bring claims against the federal defendants because he failed to show the NOAA cooperative agreement was sufficiently connected to his claimed injuries, and his claims against the state defendants either failed on standing grounds or failed to advance a valid federal cause of action. The court granted the state and federal government's motions to dismiss.

[Opinion Here](#)



National Sea Grant Law Center
256 Kinard Hall, Wing E
University, MS 38677-1848



You're receiving this newsletter because you've subscribed to the *Ocean and Coastal Case Alert*.

To view our archive, go to [Case Alert Archive](#).

First time reader? [Subscribe now](#).

Not interested anymore? [Unsubscribe instantly](#).