



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
Office of General Counsel  
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**Litigation Updates for the  
February 2026 Meeting of the North Pacific Fishery Management Council**

***Oceana v. NMFS et al.***

Parties:

**Plaintiff/Appellant:** Oceana, Inc.

**Federal Defendants/Appellees:** National Marine Fisheries Service (NMFS); United States Department of Commerce; Secretary of Commerce, Howard W. Lutnick; Deputy Assistant Administrator for Regulatory Programs, NMFS, Samuel D. Rauch, III.

**Defendant-Intervenors/Appellees:** At-Sea Processors Association, Alaska Groundfish Data Bank, Groundfish Forum, Inc.

Case Activity:

On August 16, 2024, Oceana filed suit against National Marine Fisheries Service (NMFS), the Department of Commerce, Secretary Lutnick, and Samuel D. Rauch, III. Plaintiff challenges NMFS's approval of the revisions to essential fish habitat (EFH) for five fishery management plans (FMPs) in the North Pacific. Specifically, Plaintiff alleges NMFS disregarded obligations under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and the National Environmental Policy Act (NEPA) by failing to consider more protective alternatives and underrepresenting adverse impacts from fisheries on habitat. Plaintiff also asserts NMFS's environmental assessment violated NEPA, arguing NMFS should have instead prepared a supplemental environmental impact statement.

NMFS compiled the Administrative Record and filed the Answer to the Complaint with the United States District Court for the District of Alaska. The parties then submitted their briefs to the Court. Judge Sharon L. Gleason, United States District Court for the District of Alaska, held oral argument on September 12, 2025. On September 30, 2025, the Court issued its Decision and Order dismissing Oceana's claims with prejudice and denying its requests for relief (the Court entered final judgment on October 6, 2025) (the Court's Decision and Order is provided as an attachment to the NOAA General Counsel [B3 Litigation Report Oceana v NMFS EFH - Supplemental Report](#) on the October 2025 Council agenda). Oceana filed a Notice of Appeal to the United States Court of Appeals for the Ninth Circuit on December 5, 2025.

Status/Next Steps:

The parties will now submit briefs to the United States Court of Appeals for the Ninth Circuit. Oceana's brief is due February 26, 2026.