

WEATHER ALERT

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People with ASD often have problems with social communication and interaction, and restricted or repetitive behaviors or interests.

ENVIRONMENTAL NEWS

Local environmental advocates petition for Supreme Court to reverse ruling on filled Sea Island wetland

by: [Natasha Young](#)

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GLYNN COUNTY, Ga. (WSAV) — Two Coastal Empire environmental groups and a local woman filed a petition with the U.S. Supreme Court Tuesday, asking for the court to reverse a ruling made in a Sea Island wetland lawsuit.

The lawsuit, filed by Glynn Environmental Coalition, the Center for a Sustainable Coast and Jane Fraser, alleged that Sea Island Acquisition, LLC fraudulently obtained a permit to fill a wetland beside the Inn at Sea Island Company.

Sea Island Acquisition obtained the permit after they filled with the U.S. Army Corps of Engineers and said they would be constructing an office building or parking lot in January 2013. After receiving the permit, they reportedly filled the wetland with sod instead.

The groups, and Fraser, sued Sea Island under the Clean Water Act's citizen suit provision and said since they didn't build the office building or parking lot, Sea Island had failed to comply with the permit.

The suit was dismissed in district court. The U.S. Court of Appeals for the Eleventh Circuit affirmed the lower court's decision.

“The environmentalists contend that Sea Island waived its right to contest jurisdiction over its wetland, under the Clean Water Act, when it accepted coverage under Permit 39 based on the preliminary jurisdictional determination,” Chief Judge William Pryor of the U.S. Court of Appeals for the Eleventh Circuit said. “Sea Island responds that it did not intentionally and voluntarily waive its right to raise jurisdictional arguments in defense of a citizen suit. We agree with Sea Island.”

Pryor also wrote that the environmentalists failed to establish a continuous surface connection between the filled wetland and a “Water of the United States.”

Leaders of the environmental groups said they believe the ruling weakens the enforcement of the Clean Water Act and threatens wetlands across the nation.

“This case is about the integrity of environmental enforcement,” Executive Director of the Glynn Environmental Coalition Rachael Thompson said. “Federal law allows citizens and their non-profit representatives to file litigation to enforce the Clean Water Act when federal agencies fail to properly enforce the law. A developer should not be allowed to accept a permit to destroy wetlands and then argue those wetlands were never protected in the first place.”

Co-founder and Director of the Center for a Sustainable Coast, David Kyler said, “If allowed to stand, this ruling creates a roadmap for polluters to game the system,” said David Kyler, co-founder and director of the Center for a Sustainable Coast. “It invites developers to destroy wetlands first and litigate jurisdiction later—after the evidence is gone.”

The Supreme Court is expected to consider whether to take up the case later this year.

You can read the U.S. Court of Appeals for the Eleventh Circuit's full opinion below:

