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REPLY TO:
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Memorandum

To: North Carolina Coastal Resource Commission
Fr: Sarah Zambon
Re: Legal Update for February 2026 Meeting
Date: February 9, 2026

I. NORTH CAROLINA COURT OF APPEALS

CRC v. RRC (23 CV 031533) DOJ filed the brief on behalf of the CRC on January 12, 2026. The RRC is able to file a reply brief up to February 9, 2026. We are waiting to see when the Court of Appeals schedules the case to be heard.

Ready v. CRC (24 CVS 001000-105) The record was filed. The brief on behalf of the CRC is currently due February 16th.

II. PETITIONS FOR JUDICIAL REVIEW (PJR)

No MCB v. CRC (25 CV 000675-260) Southern Environmental Law Center on behalf of No Mid-Currituck Bridge Concerned Citizens filed a Petition for Judicial Review based on the Third-Party Hearing Order. The record was filed on February 5, 2026. DOJ is currently working on the CRC's brief.

Petitioner Lincoln Griswold (25 CVS 002176-240) There is no update on this matter.

III. OFFICE OF ADMINISTRATIVE HEARINGS (OAH):

Russell v. Town of Oak Island, DCM and Next Home Management, LLC (25 EHR 02847) This case was dismissed.

No MCB Concerned Citizens and Sierra Club v DCM (25 EHR 04383) The case is currently stayed pending the outcome of the Petition for Judicial Review in Superior Court.

Ready v. DEQ (25 EHR 03067)- This case is currently stayed pending the outcome of the related Court of Appeals case.

IV. VARIANCES: The Commission heard nine variance requests at its November meeting. There are approximately 20 variances scheduled for hearing at your February meeting.

V. REQUESTS BY THIRD PARTIES TO FILE CONTESTED CASES IN OAH:
Following is a review of the outstanding requests:

Victor McConnell (CMT-25-09) requested a third-party hearing to challenge CAMA General Permit No. 96145C for an upland basin with a six-foot wide pier, two boat lifts and boat slips, and a bulkhead in Atlantic Beach, Carteret County. The Chair denied the request in the Final Agency Decision issued January 23, 2026 because the request did not meet all the criteria required under N.C. Gen. Stat. §113A-121.1(b)(3).

Luther Lewis (CMT-25-10) requested a third-party hearing to challenge CAMA General Permit No. 96145C for an upland basin with a six-foot wide pier, two boat lifts and boat slips, and a bulkhead in Atlantic Beach, Carteret County. The Chair denied the request in the Final Agency Decision issued January 23, 2026 because the request was submitted outside of 20-day timeframe established by N.C. Gen. Stat. §113A-121.1(b).

VI. PETITION FOR DECLARATORY RULING
None.