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## **Memorandum**

To: North Carolina Coastal Resource Commission

From: Sarah Zambon

Re: Legal Update for April 2026 Meeting

Date: March 28, 2026

### **I. NORTH CAROLINA COURT OF APPEALS**

**CRC v. RRC (23 CV 031533)** Court of Appeals oral arguments were heard on March 19, 2026. We are waiting for the Court of Appeals to issue their decision.

**Ready v. CRC (24 CVS 001000-105)** The brief on behalf of the CRC was filed February 16<sup>th</sup>. Petitioner's brief is due April 17<sup>th</sup>. Once Petitioner's brief is filed, Respondent may opt to file a reply brief.

### **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. DOJ is currently working on the CRC's brief. DOJ and SELC have agreed to have the matter heard in Superior Court the week of May 25<sup>th</sup>.

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

### **III. OFFICE OF ADMINISTRATIVE HEARINGS (OAH):**

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

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

**IV. VARIANCES:** The Commission heard 23 variance requests at its February meeting. There is approximately 1 variance scheduled for hearing at your April meeting.

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

**Marie Frey (CMT-26-01)** requested a third-party hearing to challenge CAMA General Permit No. 96166C for a 140-foot pier, platform and one boat slip in Morehead City, Carteret County. The Chair approved in part and denied in part in the Final Agency Decision issued March 13, 2026, because the Permittee has an approved encroachment agreement for property owned by the City that the pier goes over.

**Henry and Joyce Wooten (CMT-2026-02)** requested a third-party hearing to challenge CAMA Major Permit No. 17-26 for a bulkhead, breakwater, docking facility with two docks, floating jet ski platform, fixed platform, boat lift, two boat slips, repair of boat ramp and related excavation and dredge and fill in Hampstead, Pender County. The Chair denied the request in the Final Agency Decision issued March 20, 2026, because the request did not meet the requirements of N.C. Gen. Stat. §113A-121.1(b).

**Howard Hink (CMT-26-03)** requested a third-party hearing to challenge CAMA General Permit No. 96159C for a floating pier, platform and bulkhead in Beaufort, Carteret County. The Chair denied the request in the Final Agency Decision issued March 20, 2026, because the request was submitted outside of 20-day timeframe established by N.C. Gen. Stat. §113A-121.1(b).

**Shannon and Glen Helberg (CMT-2026-04)** requested a third-party hearing to challenge CAMA Minor Permit No. 01-26 NHVH for a modification to existing dune walkover, platform and new gazebo in Town of Nags Head, Dare County. The Chair denied the request in the Final Agency Decision issued March 24, 2026, because the request did not meet the requirements of N.C. Gen. Stat. §113A-121.1(b).

**Lisa and Dennis Harrup (CMT-2026-05)** requested a third-party hearing to challenge CAMA Minor Permit No. 01-26 NHVH for a modification to existing dune walkover, platform and new gazebo in Town of Nags Head, Dare County. The Chair denied the request in the Final Agency Decision issued March 24, 2026, because the request did not meet the requirements of N.C. Gen. Stat. §113A-121.1(b).

**Erik Snyder (CMT-26-06)** requested a third-party hearing to challenge Renewal CAMA Major Permit No. 71-22 for a stormwater pipe and upland bike and pedestrian pathway in Wilmington, New Hanover County. The Chair denied the request in the Final Agency Decision issued March 26, 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.**