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REPLY TO:
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Memorandum

To: North Carolina Coastal Resource Commission

CRC-26-77

From: Sarah Zambon

Re: Legal Update for August 2026 Meeting

Date: August 3, 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 (COA25-1164) The brief on behalf of the CRC was filed February 16th. Petitioner's brief was filed on April 17th. A reply brief in response to Petitioner's brief was filed on May 18, 2026. The Appeal will be reviewed by the Court of Appeals without oral argument on August 11, 2026.

II. PETITIONS FOR JUDICIAL REVIEW (PJR)

Landon Zimmer v CRC, DCM and Figure "8" Beach Homeowner's Association (26 CV003805-640) Petitioner filed in New Hanover Superior Court on June 9, 2026. CRC, DCM and the Homeowner's Association have separately filed motions to dismiss.

Frey v. NC DEQ Div. of Coastal Management (26 CV000451-150) DCM filed a motion to dismiss, and a hearing on the motion was scheduled for July 27 in Carteret County Superior Court. Prior to the hearing, the Petitioner moved to amend the petition to add the CRC as a party. At the hearing and prior to any argument or ruling on DCM's motion, the parties agreed to substitute in the CRC for DCM as the correct respondent, and the court allowed the substitution pending filing of a consent order.

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 and SELC have agreed to continue the matter to be heard in Dare County Superior Court the week of September 21, 2026.

Petitioner Lincoln Griswold (25 CVS 002176-240) The case has been closed without prejudice by the court.

III. OFFICE OF ADMINISTRATIVE HEARINGS (OAH):

Zimmer v. DCM, CRC and Figure “8” Beach Homeowners’ Association (26 EHR 02092) Based on the May 20, 2026 decision regarding the Petitioner’s request for a contested hearing, the Petitioner filed in OAH on June 9, 2026 to challenge CAMA Minor Permit No. 14-26 for a 30-foot-tall steel aerial weather tower on a 4-foot by 4-foot concrete pad on Figure Eight Island in New Hanover County. The CRC has been dismissed from this action but remains a party to the PJR.

Frey v. DCM (26 EHR 01041) Based on the decision issued March 13, 2026 regarding the Petitioner’s request for a contested hearing, the Petitioner filed in OAH on March 26, 2026 to contest CAMA General Permit No. 96166 for a 140-foot pier, boatslip and platform. This matter is currently stayed pending the outcome of the Petition for Judicial Review in Superior Court.

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 no variance requests at its June meeting. There is 1 variance are scheduled for hearing at your June meeting.

V. REQUESTS BY THIRD PARTIES TO FILE CONTESTED CASES IN OAH:

Following is a review of the third-party hearing requests since the last meeting:

Charles and Linda Denmead (CMT-2026-08) requested a contested hearing to challenge a CAMA Minor Permit No. CA26-0029 to Jimmy Allen to install an in-ground pool, pool equipment, and pavers in Cedar Point, Carteret County. The Chair denied the request in a decision issued July 17, 2026.

VI. PETITION FOR DECLARATORY RULING

None.