

CRC-26-82

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REPLY TO:
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Memorandum

To: North Carolina Coastal Resource Commission

From: Sarah Zambon

Re: Legal Update for October 2026 Meeting

Date: October 6, 2026

I. NORTH CAROLINA COURT OF APPEALS

CRC v. RRC (23 CV 031533) The Court of Appeals decision was issued September 16, 2026. The Court affirmed the lower court's decision in part and reversed in part. Fourteen rules were remanded to the trial court for reconsideration.

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. We are waiting for the Court of Appeals to issue its decision.

II. PETITIONS FOR JUDICIAL REVIEW (PJR)

Landon Zimmer v CRC, DCM and Figure "8" Beach Homeowner's Association (26 CV003805-640) Plaintiff voluntarily dismissed this matter on September 28, 2026.

Frey v. NC DEQ Div. of Coastal Management (26 CV000451-150) There has been no update on this case since your August meeting. 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 December 14, 2026.

III. OFFICE OF ADMINISTRATIVE HEARINGS (OAH):

Zimmer v. DCM, CRC and Figure “8” Beach Homeowners’ Association (26 EHR 02092) Petitioner voluntarily dismissed this matter on September 28, 2026.

Frey v. DCM (26 EHR 01041) There has been no change in this matter since the Commission’s August meeting. 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 granted 1 variance requests at its August meeting. There are 2 variances scheduled for hearing at your October 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:

Sue M. Turner (CMT-2026-09) requested a contested hearing to challenge a CAMA Minor Permit to Mark and Jenna Maynard for the installation of single-family house, pool and accessory structure in New Hanover County. The Chair denied the request in a decision issued September 30, 2026.

Patrick Miscio (CMT-2026-10) Petitioners requested a contested hearing to challenge an Exemption for Pelican Park HOA to redistribute sand under 15A NCAC 07K.0103(c).

VI. PETITION FOR DECLARATORY RULING

None.