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REPLY TO:
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Memorandum

To: North Carolina Coastal Resource Commission

From: Sarah Zambon

Re: Legal Update for June 2026 Meeting

Date: May 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 (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.

II. PETITIONS FOR JUDICIAL REVIEW (PJR)

Frey v. NC DEQ Div. of Coastal Management (26 CV000451-150) Petitioner filed at Petition for Judicial Review on April 10, 2026 contesting the March 13, 2026 decision by the Chair to approve in part and deny in part Petitioner's third-party hearing request to challenge CAMA General Permit No. 96166C for a 140-foot pier, platform and boatslip in Morehead City, Carteret County. DCM filed a motion to dismiss, and a hearing on the motion is currently set for the week of July 27 in Carteret County Superior Court.

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 July 27, 2026.

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

III. OFFICE OF ADMINISTRATIVE HEARINGS (OAH):

Frey v. DCM (26 HER 01041) Based on the order issued March 13, 2026 regarding the Petitioner's request for a third-party 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 1 variance requests at its April meeting. No variances 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:

Landon Zimmer (CMT-2026-07) requested a third-party hearing to challenge a CAMA minor permit No. 14-26 to Figure 8 Beach Homeowners' Association to install a weather station with a 4 foot by 4-foot concrete base and a 30-foot steel tower in Figure Eight Island, New Hanover County. The Chair approved in part and denied in part in the Final Agency Decision issued May 20, 2026 because the Petitioner made legal arguments or alleged facts that were not frivolous that the Permit was contrary to 15A NCAC 07H .0310 and 15A NCAC 07H .0209.

VI. PETITION FOR DECLARATORY RULING

None.