

**NC COASTAL RESOURCES COMMISSION (CRC)**

**March 22, 2021**

**Via WebEx**

**Present CRC Members**

Renee Cahoon, Chair  
Larry Baldwin, Vice-Chair  
Robin Smith, Second Vice-Chair  
Neal Andrew  
Trace Cooper  
Bob Emory  
Robert High  
Doug Medlin  
Phil Norris  
Lauren Salter  
Angie Wills

**Present from the Office of the Attorney General**

Mary L. Lucasse

**Present from the Department of Environmental Quality, Office of the General Counsel**

Christine A. Goebel

**CALL TO ORDER/ROLL CALL**

Renee Cahoon called the meeting to order at 9:00 a.m. on March 22, 2021, reminding the Commissioners of the need to state any conflicts due to Executive Order Number 34 and the State Government Ethics Act. The State Government Ethics Act mandates that at the beginning of each meeting the Chair remind all members of their duty to avoid conflicts of interest and inquire as to whether any member knows of a conflict of interest or potential conflict with respect to matters to come before the Commission. If any member knows of a conflict of interest or a potential conflict of interest, please state so when the roll is called. Commissioners Craig Bromby and Dick Tunnell were absent. Commissioner Baldwin reported that he will recuse himself from the meeting following the Kastberg v. DCM agenda item. Commissioner Emory reported that he personally knows the attorney representing Petitioners in the Batson v. DCM case, however it is not a conflict. Based upon this roll call Chair Cahoon declared a quorum.

**INFORMATION ITEM ON KASTBERG v. DCM, 20 HER 03105**

**Mary Lucasse, Esq.**

Mary Lucasse, CRC Counsel, provided an update to the Commission on James and Joanne Kastberg v. DCM. In this case, Petitioners challenged the Town of Kure Beach's CAMA LPO's denial of their application to place a pool oceanward of the town's development line in the Office of Administrative Hearings. After the case had been fully briefed for a hearing on Respondent's motion for summary judgement, the parties began settlement discussions. The Commission encourages the resolution of disputes over the grant or denial of CAMA permits in 15A NCAC 07J .0312. The CRC delegated to the DCM Director the authority to enter into a settlement of any appeals concerning a CAMA permit at any time before the Administrative Law Judge opens

a hearing on a permit appeal. In this case, the Director settled the challenge and DCM issued a permit allowing the Kastberg's pool to be built waterward of the development line. The CRC is currently working on its oceanfront setback rules.

Mike Lopazanski provided an update on the status of oceanfront setback rulemaking. The Commission approved amendments to the development line rules in September 2020 and approved the fiscal analysis for these amendments in November 2020. A public hearing will be scheduled on these amendments and fiscal analysis and the Commission can consider adoption of these amendments and the repeal of the development line at the June 2021 meeting.

**Robin Smith made a motion that the Commission go into closed session pursuant to NCGS section 143-318.11(a)(3) to consult with its attorney regarding the appeal filed in the NC Court of Appeals titled Batson v. Coastal Resources Commission file number COA 21-110. Phil Norris seconded the motion. The motion passed unanimously (Cahoon, Andrew, Cooper, Emory, High, Medlin, Norris, Salter, Smith, Wills).**

**Doug Medlin made a motion to return to open session. Neal Andrew seconded the motion. The motion passed unanimously (Cahoon, Andrew, Cooper, Emory, High, Medlin, Norris, Salter, Smith, Wills).**

The Commission returned to open session.

Chair Cahoon appointed a committee to review the third party appeal process. The Committee will be comprised of Bob Emory, Neal Andrew, Larry Baldwin, Mary Lucasse, and Christy Goebel.

**Neal Andrew made a motion to adjourn. Phil Norris seconded the motion. The motion passed unanimously (Cahoon, Andrew, Cooper, Emory, High, Medlin, Norris, Salter, Smith, Wills).**

With no further business, the CRC adjourned.  
Respectfully submitted,



Braxton Davis, Executive Secretary



Angela Wilkis, Recording Secretary