

STATE OF NORTH CAROLINA <sup>BY: S. Smallwood</sup> IN THE GENERAL COURT OF JUSTICE  
 COUNTY OF WAKE SUPERIOR COURT DIVISION  
 23 CVS 031533-910

North Carolina Department of	)	
Environmental Quality, Division of	)	
Coastal Management and North Carolina	)	
Coastal Resources Commission,	)	
	)	ORDER ON MOTIONS
Plaintiffs,	)	
v.	)	
	)	
North Carolina Rules Review	)	
Commission and Ashley Snyder in her	)	
Official Capacity as Codifier of Rules,	)	
Office of Administrative Hearings,	)	
Defendants.)	)	

THIS MATTER WAS HEARD by the undersigned at the December 11, 2025 session of Wake County Superior Court upon Plaintiffs’ Motions for Summary Judgment, for Declaratory Judgment, and Injunctive Relief; Defendant North Carolina Rules Review Commission's Motion for Summary Judgment; and the North Carolina Coastal Federation's Motion for Leave to File an Amicus Brief.

The Court has carefully considered the file, the written and oral arguments of counsel, the written argument of *amicus curiae*, and the proffered and other relevant authority. The Court concludes, in the light most favorable to Defendants, that there is no genuine issue as to any material fact and that Plaintiffs are entitled to judgment as a matter of law.

The Court further concludes that Plaintiffs have statutory authority to establish enforceable standards, guidelines and policies through rulemaking, have statutory authority to adopt rules that provide brief statements of law to give context to or aid in understanding that rule or other rules, and the term “adverse environmental impact” is not ambiguous as used in this rulemaking context, and that Plaintiffs are entitled to Declaratory Judgment.

NOW, THEREFORE, the Court orders as follows.

1. The motion of the North Carolina Coastal Federation for Leave to File an Amicus Brief is GRANTED.
2. Plaintiffs’ Motion for Summary Judgment is GRANTED.
3. Defendants’ Motion for Summary Judgment is DENIED.

4. Plaintiffs' Motion for Declaratory Judgment is GRANTED.
5. Judgment is hereby entered for Plaintiffs.
6. The objections of Defendant Rules Review Commission to the rules at issue in this proceeding are overruled.
7. Defendant Rules Review Commission is ordered to approve Plaintiffs' 30 rules as written in Exhibit 1 to Plaintiff's Verified Complaint.
8. Defendant Snyder is ordered to return the 30 rules to the Code in the appropriate format and order, except that if Defendant Rules Review Commission appeals the Court's order(s) herein, Defendant Snyder may prominently notate and identify those rules as "Under Appeal" or words to that effect.

2/12/2025 11:21:10 AM

IT IS SO ORDERED this the 12<sup>th</sup> day of February, 2025.



William R. Pittman  
Superior Court Judge