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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

IN THE ORIGINAL JURISDICTION

Appellate Case No. 2026-000032

SOUTH CAROLINA PUBLIC INTEREST FOUNDATION and JAMES WENINGERPlaintiffs,

v.

HENRY DARGAN McMASTER, in his official capacity as Governor of the
State of South Carolina; MAJOR GENERAL ROBIN B. STILWELL, in his
official capacity as Adjutant General of the South Carolina National Guard..... Defendants.

MOTION OF SOUTH CAROLINA COASTAL CONSERVATION LEAGUE, SIERRA CLUB, THE LEAGUE OF WOMEN VOTERS OF SOUTH CAROLINA, FRIENDS OF COASTAL SOUTH CAROLINA, CHARLESTON WATERKEEPER, SAVANNAH RIVERKEEPER, WINYAH RIVERS ALLIANCE, GULLAH/GEECHEE SEA ISLAND COALITION, CONGAREE RIVERKEEPER, COASTAL EXPEDITIONS, AND CAROLINA OCEAN ALLIANCE TO FILE *AMICUS CURIAE* BRIEF ON THE MATTER OF PUBLIC IMPORTANCE STANDING

South Carolina Coastal Conservation League, Sierra Club, The League of Women Voters Of South Carolina, Friends of Coastal South Carolina, Charleston Waterkeeper, Savannah Riverkeeper, Winyah Rivers Alliance, Gullah/Geechee Sea Island Coalition, Congaree Riverkeeper, Coastal Expeditions, and Carolina Ocean Alliance and undersigned counsel respectfully move this Court, pursuant to Rule 213, SCACR, for leave to file the accompanying amicus curiae brief in support of Plaintiffs. In support of this motion, amici state as follows:

Proposed amici are nonprofit organizations and practitioners dedicated to the protection of South Carolina’s natural resources and the faithful enforcement of the State’s environmental laws. Through litigation, advocacy, and direct engagement with the administrative process, amici have developed

substantial experience navigating the contours of standing in environmental cases before the courts of this state. Amici therefore possess a distinct institutional perspective on the practical operation of standing doctrine in this context and particularly the role of the public importance exception therein. This perspective is likely to provide value and assistance to the Court in resolving arguments that have been presented to the Court for overruling the public importance doctrine.

Because Defendants and supporting amici seek to use this case as a vehicle to eliminate public importance standing, the case presents a question of exceptional importance to the administration of environmental law in South Carolina. As amici's experience reflects, conventional standing doctrine in environmental cases can be unpredictable and, at times, may fail to provide a reliable avenue for review, even where substantial harm to public resources is threatened. The public importance doctrine thus assumes heightened significance in environmental cases, and amici are well suited to provide the Court with that perspective.

Standing indeed lies at the core of environmental law, shaping when and how the legality of actions affecting public resources may be tested in court. Amici have been closely involved in this Court's incremental development of standing doctrine through environmental cases and have observed firsthand the balance that has emerged. In a case where the parties urge the Court to disturb that balance, it is both appropriate and valuable for the Court to consider the perspective of experienced environmental practitioners.

Because this case implicates the continued vitality of this important doctrine, it carries consequences far beyond the parties to the case. The Court's resolution will shape not only this dispute, but the ability of the public and those who represent its interests to seek judicial review in future cases involving the State's most vital natural resources. Given the broad consequences that would follow from curtailing or eliminating the public importance doctrine, the Court would benefit from the considered views of practitioners beyond the immediate parties and especially those with substantial experience in

environmental litigation.

For these reasons and the reasons set out in the attached proposed Brief, South Carolina Coastal Conservation League, Sierra Club, The League of Women Voters Of South Carolina, Friends of Coastal South Carolina, Charleston Waterkeeper, Savannah Riverkeeper, Winyah Rivers Alliance, Gullah/Geechee Sea Island Coalition, Congaree Riverkeeper, Coastal Expeditions, and Carolina Ocean Alliance respectfully move the Court for leave to file the attached Amicus Curiae Brief.

Respectfully submitted,

/s/Michael G. Corley

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