

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

---

APPEAL FROM ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Administrative Law Judge

---

Case No. 13-ALC-07-056-CC  
Appellant Case No. 2014-000847

---

Preservation Society of Charleston, Historic Charleston Foundation, Historic Ansonborough Neighborhood Association, South Carolina Coastal Conservation League, Charlestowne Neighborhood Association, Charleston Chapter of the Surfrider Foundation, and Charleston Communities for Cruise Control..... Appellants,

vs.

South Carolina State Ports Authority and South Carolina Department of Health and Environmental Control..... Respondents.

---

APPELLANTS' DESIGNATION OF MATTERS TO BE INCLUDED IN THE RECORD ON APPEAL

---

The Appellants propose the following material to be included in the Record on Appeal:

1. Order Granting Summary Judgment for Lack of Standing, dated April 11, 2014
2. Amended Order Granting Sanctions, dated April 11, 2014
3. Order Denying Petitioners' Motion to Expand Discovery and Granting Petitioners' Motion to File a Surreply, dated March 3, 2014
4. Order Granting Sanctions, dated March 3, 2014
5. Order Denying Petitioners' Motion to Vacate, dated December 20, 2013

**RECEIVED**

OCT 17 2014

**SC Court of Appeals**

6. Order Denying Ports Authority's Motion to Dismiss, dated December 2, 2013
7. Order Granting Continuance and Amended Notice of Hearing, dated August 14, 2013
8. Amended Notice of Hearing, dated June 12, 2013
9. Notice of Hearing, dated May 31, 2013
10. Order for Prehearing Statements, dated May 6, 2013
11. Order Denying Petitioners' Motion to Remand, dated May 3, 2013
12. DHEC Board Denial Letter, dated January 11, 2013
13. Request for Final Review Conference, dated January 2, 2013
14. Request for Contested Case Hearing (with exhibits), dated February 11, 2013
15. Motion to Remand to DHEC Board (with exhibits), dated February 27, 2013
16. SPA's Response to Motion to Remand (without exhibits), dated March 14, 2013
17. DHEC's Response to Motion to Remand, dated March 14, 2013
18. SPA's Prehearing Statement, dated May 20, 2013
19. Petitioners' Prehearing Statement, dated May 21, 2013
20. DHEC's Prehearing Statement, dated May 21, 2013
21. SPA's Motion to Dismiss for Lack of Standing (without exhibits), dated July 1, 2013
22. SPA's Motion for Sanctions (without exhibits), dated July 1, 2013
23. Petitioners' Response to Motion to Dismiss for Lack of Standing and Motion to Strike Exhibits (with exhibits), dated July 22, 2013
24. Petitioners' Response to Motion for Sanctions (with exhibits), dated July 26, 2013
25. SPA's Reply on Motion for Sanctions (without exhibits), dated August 2, 2013
26. SPA's Reply on Motion to Dismiss for Lack of Standing (without exhibits), dated August 5, 2013

27. Petitioners' Reply to Motion to Strike Exhibits, dated August 26, 2013
28. Petitioners' Motion to Quash Subpoena (with exhibits), dated August 28, 2013
29. Motion for Leave to File Sur-Reply, dated August 30, 2013
30. SPA's Response to Motion to Quash Subpoena, dated September 3, 2013
31. SPA's Response to Motion for Leave to File Sur-Reply, dated September 4, 2013
32. SPA's Response In Support of Subpoena and Opposition to Motion to Quash (without exhibits), dated September 3, 2013
33. SPA's Response in Opposition to Motion/Surreply (without exhibits), dated September 4, 2013
34. SPA's First Amended Prehearing Statement, dated September 18, 2013
35. Petitioners' Supplemental Brief on Standing (with exhibits), dated September 18, 2013
36. SPA's Supplemental Brief on Standing, dated September 18, 2013
37. Petitioners' Motion to Vacate (with exhibits), dated November 1, 2013
38. SPA's Response to Motion to Vacate (without exhibits), dated November 25, 2013
39. Petitioners' Reply on Motion to Vacate (with exhibits), dated December 16, 2013
40. Motion to Expand Discovery, dated December 23, 2013
41. SPA's Motion for Partial Summary Judgment (without exhibits), dated December 27, 2013
42. SPA's Motion for Summary Judgment for Lack of Standing (with exhibits 3 and 6), dated December 27, 2013
43. SPA's Response to Motion to Expand Discovery (without exhibits), dated January 7, 2014
44. Petitioners' Reply on Motion to Expand Discovery (with exhibits), dated January 16, 2014
45. Petitioners' Response to Motion for Partial Summary Judgment and Cross Motion for Summary Judgment (with exhibits), dated January 21, 2014

46. Petitioners' Response to Motion for Summary Judgment for Lack of Standing (with exhibits), dated January 21, 2014
47. SPA's Reply on Motion for Partial Summary Judgment (without exhibits), dated February 5, 2014
48. SPA's Reply on Motion for Summary Judgment for Lack of Standing (without exhibits), dated February 5, 2014
49. Petitioners' Motion to File Surreply (with exhibits), dated February 11, 2014
50. SPA's Response to Motion to File Sur-Reply (without exhibits), dated February 18, 2014
51. Petitioners' Reply in Support of Motion to File Sur-Reply, dated February 26, 2014
52. SPA's Response to Surreply, dated March 10, 2014
53. Petitioners' Motion for Reconsideration (with exhibits), dated March 13, 2014
54. Petitioners' Motion to Reconsider and for Stay, dated March 13, 2014
55. SPA's Response to Motion for Reconsideration, dated March 19, 2014
56. Petitioners' Reply on Motion for Reconsideration (with exhibits), dated March 21, 2014
57. SPA's Response on Motion to Reconsider and for Stay (without exhibits), dated March 27, 2013
58. Petitioners' Reply on Motion to Reconsider and for Stay, dated April 8, 2014

**RULE 209 CERTIFICATION BY COUNSEL**

The undersigned counsel for Appellants hereby certifies, pursuant to S.C. App. Ct. R. 209, that the foregoing Designation of Matter To Be Included in the Record on Appeal contains no matter which is irrelevant to the appeal.

*J. Blanding Holman*  
J. Blanding Holman <sup>my</sup> *express*  
Southern Environmental Law Center *per*  
43 Broad Street, Suite 300 *AMF*  
Charleston, SC 29401  
Telephone: (843) 720-5270  
Fax: (843) 720-5240

Jefferson Leath  
Leath, Bouch & Seekings, LLP  
92 Broad Street  
Charleston, SC 29401  
Telephone: (843) 513-1076

Amy E. Armstrong  
Jessie A. White  
South Carolina Environmental Law  
Project  
Mailing Address: Post Office Box  
1380  
Pawleys Island, SC 29585  
Physical Address: 430 Highmarket  
Street  
Georgetown, SC 29440  
Telephone: (843) 527-0078  
Fax: (843) 527-0540

Attorneys for the Appellants

Charleston, SC

October 14, 2014

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Administrative Law Judge

Appellant Case No. 2014-000847

Preservation Society of Charleston, Historic Charleston Foundation, Historic Ansonborough Neighborhood Association, South Carolina Coastal Conservation League, Charlestowne Neighborhood Association, Charleston Chapter of the Surfrider Foundation, and Charleston Communities for Cruise Control..... Appellants,

vs.

South Carolina State Ports Authority and South Carolina Department of Health and Environmental Control..... Respondents.

CERTIFICATE OF SERVICE

I hereby certify that on this date I served the foregoing Designation of Matter To Be Included in the Record on Appeal on Respondents S.C. State Ports Authority and SC DHEC by placing copies of same in the U.S. Mail addressed to:

Randolph R. Lowell, Esq.  
Chad N. Johnston  
Willoughby & Hoefler, PA  
Post Office Box 8416  
Columbia, SC 29202

Philip L. Lawrence, Esq.  
General Counsel  
S.C. State Ports Authority  
Post Office Box 22287  
Charleston, SC 29413-2287

**RECEIVED**  
OCT 17 2014  
**SC Court of Appeals**

Bradley Churdar, Esq.  
SC DHEC/OCRM  
1362 McMillan Avenue, Suite 400  
Charleston, SC 29405

Charleston, SC  
October 14, 2014

*J. Blanding Holman*  
J. Blanding Holman IV

*4 express  
permission by  
JMT*

# SOUTHERN ENVIRONMENTAL LAW CENTER

Telephone 843-720-5270

43 BROAD STREET, SUITE 300  
CHARLESTON, SC 29401-3051

Facsimile 843-720-5240

October 14, 2014

Honorable V. Claire Allen  
Deputy Clerk, Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: Preservation Society of Charleston v. DHEC  
Appellate Case No. 2014-000847

Dear Ms. Allen:

Enclosed please find the original and one copy each of Appellants' Initial Brief and Designation of Matter on Appeal, filed on behalf of Preservation Society of Charleston, Historic Charleston Foundation, Historic Ansonborough Neighborhood Association, South Carolina Coastal Conservation League, Charlestowne Neighborhood Association, Charleston Chapter of the Surfrider Foundation and Charleston Communities for Cruise Control.

Please file-stamp the additional copies and return them to me in the self-addressed, stamped envelope provided.

Thank you very much for your kind cooperation and assistance.

Very truly yours,

*J. Blanding Holman*  
J. Blanding Holman  
Attorney for Appellants

*by express  
permission by  
JMH*

Cc: All Counsel of Record

**RECEIVED**  
OCT 17 2014  
**SC Court of Appeals**