

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

JAN 21 2015

Ralph K. Anderson, III, Chief Administrative Law Judge

SC Court of Appeals

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,

v.

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

**RESPONDENT SOUTH CAROLINA STATE PORTS AUTHORITY'S
DESIGNATION OF MATTER TO BE INCLUDED IN
THE RECORD ON APPEAL**

Pursuant to Rule 209, of the South Carolina Appellate Court Rules
(SCACR), Respondent South Carolina State Ports Authority designates the
following to be included in the Record on Appeal:

1. 2012-12-31 HCF Request for Final Review
2. 2013-01-07 Longshore Letter from Lowell (HCF)

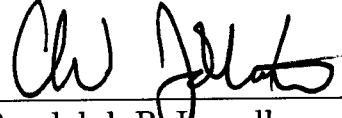
3. 2013-01-07 Longshore Letter from Lowell (SCELP) (including below Exhibits)
 - a. Exh. B, 2013-01-07 Longshore Letter from Lowell (SCELP) (Affidavit of Arnaldo Perez)
 - b. Exh. E, 2013-01-07 Longshore Letter from Lowell (SCELP) (2012-04-20 USACOE Memorandum of Record)
 - c. Exh. G, 2013-01-07 Longshore Letter from Lowell (SCELP) (Side-by-side traffic diagram comparison)
 - d. Exh. I, 2013-01-07 Longshore Letter from Lowell (SCELP) (2011-08-22 Affidavit of Daniel Riccio)
4. 2013-02-19 Notice of Assignment
5. 2013-03-14 SCSPA Response to Motion to Remand (with all exhibits)
6. 2013-07-01 SCSPA Motion for Sanctions (with all exhibits)
7. 2013-08-02 SCSPA Reply in Support of Motion for Sanctions (including below exhibit)
 - a. Exh. 10, 2013-08-02 SCSPA Reply in Support of Motion for Sanctions, C.A. No.: 99-CP-46-1724, December 15, 1999 Order on Attorneys' Fees, The Honorable John C. Hayes, III
8. 2013-08-19 Subpoena to Hamrick
9. 2013-08-20 Harvin Fair E-Mail to Counsel Denying Cruise Opp. Motion to Strike, or in the alternative Motion for Leave to File Sur-Reply in Opposition to SCSPA Motion for Sanctions
10. All Exhibits, 2013-09-03 SCSPA Response in Support of Subpoena and Opposition to Cruise Opp. Motion to Quash
11. Exh. 2, 2013-09-04 SCSPA Response in Opposition to Cruise Opp. Motion/Surreply
12. 2013-09-06 Hearing Transcript
13. Exh. 21, 2013-09-18 SCSPA Amended Prehearing Statement (Cruise Ship Noise Overview)
14. 2013-09-26 Lowell Letter to Judge Anderson regarding Cruise Opp. Supplemental Brief on Standing
15. 2013-10-07 Harvin Fair E-Mail to Counsel Requesting Proposed Order from SCSPA Granting Motion for Sanctions
16. 2013-10-21 Affidavit of Randolph R. Lowell (filed October 24, 2013)
17. 2013-10-24 Affidavit of John S. Simmons (filed October 24, 2013)
18. 2013-11-08 Order Denying Motion to Quash
19. All Exhibits, 2013-11-25 SCSPA Response to Cruise Opp. Motion to Vacate
20. 2013-12-19 SCSPA Motion for Reconsideration (with all exhibits)

21. All Exhibits, 2013-12-27 SCSPA Motion for Summary Judgment (Standing)
22. Exh. I, 2013-12-27 SCSPA Motion for Partial Summary Judgment (401 Certification) (2007-03-09 Request for Contested Case Hearing SCCCL-SCSPA)
23. Exh. J, 2013-12-27, SCSPA Motion for Partial Summary Judgment (401 Certification) (2007-04-09 Prehearing Statement of SCCCL)
24. All Exhibits, 2014-01-07 SCSPA Response to Cruise Opp. Motion to Expand Discovery
25. 2014-01-09 Hearing Transcript
26. All Exhibits, 2014-02-05 SCSPA Reply in Support of Motion for Summary Judgment (Standing)
27. All Exhibits, 2014-02-05 SCSPA Reply in Support of Motion for Partial Summary Judgment (401 Certification)
28. All Exhibits, 2014-02-18 SCSPA Response to Cruise Opp. Motion to File Surreply (MSJ – Standing)
29. All Exhibits, 2014-03-27 SCSPA Response to Cruise Opp. Motion for Reconsideration and Stay (Order on Sanctions)

Pursuant to Rule 209, SCACR, the undersigned counsel for Respondent South Carolina State Ports Authority certifies that the foregoing Designation of Matter to Be Included in the Record on Appeal contains no matter which is irrelevant to this appeal.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,



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January 21, 2015
Columbia, South Carolina

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State Ports Authority, Respondents.

PROOF OF SERVICE

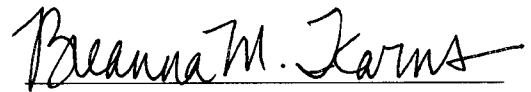
This is to certify that I, a paralegal with the law firm Willoughby & Hoefler, P.A.,
have caused to be served this day one (1) copy of the **Initial Brief of Respondent South
Carolina State Ports Authority and Designation of Matter to be Included in the
Record on Appeal** by placing same in the care and custody of the United States Postal
Service with first class postage affixed thereto and addressed as follows:

Amy Armstrong, Esquire
South Carolina Environmental Law Project
Post Office Box 1380
Pawley's Island, SC 29585

Jefferson Leath, Esquire
Leath, Bouch & Seekings, LLP
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Bradley D. Churdar, Esquire
**South Carolina Department of
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J. Blanding Holman, Esquire
Southern Environmental Law Center
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Charleston, SC 29403


Breanna M. Karns

Columbia, South Carolina
This 21st day of January 2015

WILLOUGHBY & HOEFER, P.A.

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SC Court of Appeals

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk of Court, Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

Re: *Preservation Society of Charleston v. S.C. State Ports Authority & SCDHEC*;
Appellate Case No. 2014-000847


Dear Ms. Kitchings:

Enclosed for filing please find the original and one (1) copy of the **Initial Brief of Respondent South Carolina State Ports Authority and Designation of Matter to be Included in the Record on Appeal** in the above-referenced matter. I would appreciate your acknowledging receipt of these documents by date-stamping the extra copies enclosed and returning those to me via our courier.

By copy of this letter, I am serving counsel of record and enclose a Proof of Service to that effect. If you have any questions or if you need any additional information, please do not hesitate to contact me.

Very truly yours,

WILLOUGHBY & HOEFER, P.A.



Chad N. Johnston

Enclosures

Honorable Jenny A. Kitchings

January 21, 2015

Page 2 of 2

cc: Amy Armstrong, Esquire
Jefferson Leath, Esquire
Bradley D. Churdar, Esquire
J. Blanding Holman, Esquire
Philip Lawrence, Esquire