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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Chief Administrative Law Judge

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.

**Initial Designation of Matter of Respondent South Carolina
Department of Health and Environmental Control**

Bradley D. Churdar, Associate General Counsel
SCDHEC
1362 McMillan Ave., Ste 400
North Charleston, SC 29405
(843) 953-0213

Attorney for Respondent

The Appellant South Carolina Department of Health and Environmental Control

(Department) proposes the following be included in the Record on Appeal:

1. Request for Contested Case Hearing 2/11/2013
2. Petitioners' Motion to Remand 3/1/2013
3. Department Return to Petitioners' Motion to Remand 3/14/2013
4. SPA Return to Petitioners' Motion to Remand 3/14/2013
5. Department PHS 5/21/2013
6. SPA PHS 5/20/2013
7. Order Denying Petitioners' Motion to Remand 5/3/2013
8. Petitioners' PHS 5/21/2013
9. SPA's Motion to Dismiss and Motion for Sanctions 7/1/2013
10. Petitioners' Memo in Opposition to SPA's Motion to Dismiss & Sanctions 7/29/2013
11. SPA's Reply In Support of Motion for Sanctions 8/2/2013
12. Petitioners' Sur Reply to Motion for Sanctions 8/19/2013
13. ALC's Denial of Petitioners' Sur Reply 8/20/2013
14. Petitioners' Motion for Leave to File Sur-Reply to SPA's Motion to Dismiss for Lack of Standing 8/30/2013
15. SPA's Response In Opposition To The Petitioners' Motion/Sur-Reply 9/4/2013
16. SPA's First Amended Prehearing Statement 9/18/2013
17. Consent Scheduling Order 8/5/2013
18. Lowell's and Simmon's Affidavits of Fees and Costs and Proposed Order associated with opposing the Motion to Remand and defending Motion for Sanctions 10/24/2013
19. Petitioners' Motion to Vacate 11/1/2013
20. SPA's Memo in Opposition to Cruise Opponents' Motion to Vacate 11/27/2013
21. DHEC'S response letter to SPA Return to Motion to Vacate 11/27/2013
22. Petitioners' Reply in Support of Motion to Vacate 12/18/2013
23. Order Denying Petitioners' Motion to Vacate 12/20/2013
24. Petitioners' Motion to Expand Discovery 12/27/2013
25. SPA's Motion for Summary Judgment for Lack of Standing 12/30/2013
26. SPA's Response to Motion to Re-Open Discovery 1/9/2014
27. Petitioners' Reply on the Motion to Expand Discovery 1/21/2014
28. Petitioners' Response in Opposition to the Motion for Summary Judgment for Lack of Standing 1/23/2014
29. SPA's Reply in Support of Motion for Summary Judgment for Lack of Standing 2/10/2014
30. Petitioners' Motion for Leave to File a Sur Reply to the MSJ on Standing 2/14/2014
31. Petitioners' Reply in Support of Motion to File Surreply 2/28/2014
32. SPA's Response to Surreply 3/12/2014
33. Petitioners' Motion for Reconsideration and Motion to Reconsider & Stay 3/17/2014
34. SPA's Response to Petitioners' Motion for Reconsideration 3/19/2014
35. Petitioners' Reply In Support of the Motion for Reconsideration 3/21/2014
36. Order Granting Sanctions 3/3/2014

- 37. Order Denying Petitioners' Motion to Expand Discovery and Granting Petitioners' Motion to File a Surreply 3/3/2014
- 38. SPA Response to Cruise Opponents' Motion for Reconsideration of Order Granting Sanctions 3/31/2014
- 39. Petitioners' Reply on the Motion for Reconsideration and for Stay 4/11/2014
- 40. Amended Order Granting Sanctions 4/11/2014
- 41. Order Granting Summary Judgment for Lack of Standing 4/11/2014

I certify that this designation contains no matter which is irrelevant to this appeal.

Respectfully submitted,



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Charleston, South Carolina
February 19, 2015

Attorney for Respondent

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Surfrider Foundation. and Charleston
Communities for Cruise Control,Appellants,

vs.

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

PROOF OF SERVICE

The undersigned hereby certifies that on this date she has served the *Respondent DHEC's Initial Brief and Designation of Matter to be Included in the Record on Appeal* in this matter upon the following, by placing copies of same in the United States Mail, first class postage prepaid, addressed to:

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211


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M. Denise Crawford

February 19, 2015
Charleston, South Carolina



W. Marshall Taylor Jr., Acting Director

Promoting and protecting the health of the public and the environment

February 19, 2015

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The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

SC Court of Appeals

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

Dear Ms. Kitchings:

Please find enclosed the original and one (1) copy of the Respondent DHEC's Initial Brief and Designation of Matter to be Included in the Record on Appeal in the above referenced case. I would appreciate your returning a clocked copy in the enclosed envelope.

By copy of this letter, I am serving all parties of the same.

Very truly yours,

Bradley D. Churdar
Chief Counsel

Enclosure
BDC/mdc

cc: Amy Armstrong, Esquire
Jessie White, Esquire
Jefferson Leath, Esquire
Randolph Lowell, Esquire
Tracey C. Green, Esquire
Chad N. Johnston, Esquire
Blanding Holman, Esquire
Phillip Lawrence, Esquire

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Office of General Counsel

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