

81386

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Ralph King Anderson, III, Administrative Law Judge

RECEIVED

OCT 26 2016
SC Court of Appeals

Appellant Case No. 2016-001758

South Carolina Coastal Conservation League and South Carolina
Wildlife Federation Appellants,

vs.

South Carolina Department of Health and Environmental Control and
Horry County Public Works Respondents.

**MOTION FOR EXTENSION OF TIME
FOR FILING INITIAL BRIEF AND DESIGNATION
OF APPELLANTS**

TO: ALL PARTIES AND THE COURT OF APPEALS:

PLEASE TAKE NOTICE that the Appellants hereby move the Court of Appeals for an Order extending the time for filing its Initial Brief and Designation of Matter. The Initial Brief and Designation are due on October 24, 2016, and the Appellants seek an extension of thirty (30) days, until November 23, 2016. This is the second request for an extension. The basis of this motion is as follows:

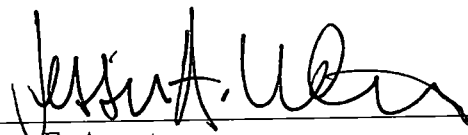
Counsel for the Appellants has had insufficient time and resources to dedicate toward preparation of this brief and designation. Counsel is a small public interest firm that maintains a heavy active caseload. In particular, counsel is actively engaged in a federal challenge to this project involving motions for a preliminary injunction and an emergency temporary restraining

order to prevent construction activity from continuing to proceed and rendering this matter moot. Due to circumstances surrounding Hurricane Matthew, the parties agreed and the federal judge postponed the hearing on our motion for an injunction until October 28, 2016 with reply briefs on our motions due October 25, 2016. Moreover, counsel for the Appellants are located in an evacuation zone in Georgetown County and three of the four staff members currently working full-time did in fact evacuate. Counsel's office was closed for three (3) days due to the evacuation and loss of power, which was not regained until October 11 following the storm event. As recognized by the South Carolina Supreme Court Order No. 2016-10-10-01, Hurricane Matthew and its subsequent effects adversely impacted counsel's ability to commit the necessary time and resources to this matter.

Counsel for the Appellants has consulted with counsel for the Respondent SCDHEC, who consents to this requested extension, and Respondent Horry County. As of the time of this filing, counsel for Appellants has not heard back from counsel for Respondent Horry County.

WHEREFORE, the Appellants request that the Court of Appeals enter an order extending the time for filing its Initial Brief and Designation until November 23, 2016.

Respectfully submitted,



Amy E. Armstrong

Jessie A. White

Amelia Thompson

SOUTH CAROLINA ENVIRONMENTAL LAW
PROJECT

Mailing address: Post Office Box 1380

Office address: Pawleys Island, SC 29585
430 Highmarket Street
Georgetown, SC 29440
Telephone (843) 527-0078
FAX (843) 527-0540

Counsel for Appellants

Georgetown, South Carolina
October 24, 2016

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Ralph King Anderson, III, Administrative Law Judge

RECEIVED

OCT 26 2016

Appellant Case No. 2016-001758

SC Court of Appeals

South Carolina Coastal Conservation League and South Carolina
Wildlife Federation Appellants,

vs.

South Carolina Department of Health and Environmental Control and
Horry County Public Works Respondents.

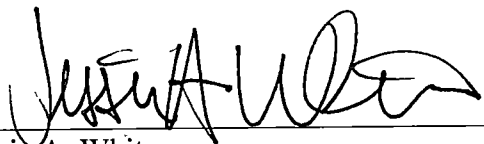
CERTIFICATE OF SERVICE

I hereby certify that on this date I served the foregoing Motion for Extension on
Respondents SCDHEC and Horry County Public Works and the Administrative Law Court by
placing copies of same in the U.S. Mail addressed to:

Stan Barnett, Esquire
Smith, Bundy, Bybee & Barnett, P.C.
1037 Chuck Dawley Boulevard, Suite 100-F
Mount Pleasant, SC 29465

Nathan M. Haber, Esquire
SCDHEC/OCRM
1362 McMillan Avenue, Suite 400
Charleston, SC 29405

Michael S. Traynham, Esquire
SCDHEC
2600 Bull Street
Columbia, SC 29201



Jessie A. White

Georgetown, South Carolina
October 24, 2016



The South Carolina Environmental Law Project
Lawyers for the Wild Side of South Carolina

October 24, 2016

a 501c3
non-profit organization

Amy E. Armstrong
Executive Director
Michael G. Corley
Staff Attorney
Jessie A. White
Staff Attorney

OFFICE ADDRESS
430 Highmarket Street
Georgetown, SC 29440

MAILING ADDRESS
P. O. Box 1380
Pawleys Island, SC 29585

(843) 527-0078
Fax (843) 527-0540
E-mail: amy@scelp.org
michael@scelp.org
jessie@scelp.org

BOARD OF DIRECTORS

Frances Close
Chairperson

John Mark Dean
Josh Eagle
Margaret D. Fabri
Paula Feldman
Gary W. Poliakoff
Leon Rice
Robert Schofield
Greg VanDerwerker
Nancy Vinson
Wendy Zara

Honorable Jenny Abbott Kitchings
Clerk, Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: SCCCL & SCWF v. SCDHEC & Horry County
Appellate Case No. 2016-001758

RECEIVED

OCT 26 2016

SC Court of Appeals

Dear Ms. Kitchings:

Enclosed for filing please find the original and seven (7) copies of the Appellants' Motion for Extension of Time to File Initial Brief and Designation, along with my Certificate of Service and filing fee.

Please return a clocked-in copy in the self-addressed, stamped envelope provided.

Thank you very much for your kind cooperation and assistance.

Yours very truly,

Jessie A. White

cc: Stan Barnett, Esq.
Nathan M. Haber, Esq.
Michael Traynam, Esq.

S.C. Environmental Law Project
P.O. Box 1380
Pawleys Island, SC 29585



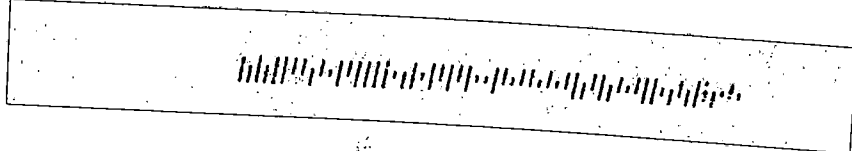
PITNEY BOWES

02 1P

\$ 002.20

0001879839 OCT 24 2016

MAILED FROM ZIP CODE 29585



RECEIVED

OCT 26 2016

SC Court of Appeals

Honorable Jenny Abbott Kitchings
Clerk of Court, SC Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211