

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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Kiawah Development Partners, II, Respondent,

S.C. SUPREME COURT

v.

South Carolina Department of Health and Environmental Control,
Appellant,

and

South Carolina Coastal Conservation League, Appellant,

v.

South Carolina Department of Health and Environmental Control
and Kiawah Development Partners, II, of whom South Carolina
Department of Health and Environmental Control is, Appellant, and
Kiawah Development Partners, II, is Respondent.

APPELLANT SOUTH CAROLINA DEPARTMENT
OF HEALTH AND ENVIRONMENTAL CONTROL'S
DESIGNATION OF MATTER TO BE INCLUDED
IN THE RECORD ON APPEAL

The Appellant South Carolina Department of Health and Environmental Control

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

- | | | |
|-----|--|-----------|
| 1. | Final Order and Decision | 1/22/2010 |
| 2. | Order on Motions for Reconsideration | 3/1/2010 |
| 3. | Amended Final Order and Decision | 3/1/2010 |
| 4. | KDP Motion to Open Record on Remand | 2/5/2015 |
| 5. | Department's Return to KDP Motion to Open Record on Remand | 2/13/2015 |
| 6. | SCCCL Response to KDP Motion to Open Record | 2/23/2015 |
| 7. | Department's Brief on Issues on Remand | 2/27/2015 |
| 8. | KDP Brief on Issues on Remand | 2/27/2015 |
| 9. | SCCCL Brief on Issues on Remand | 2/27/2015 |
| 10. | Request from Court – Follow Up Inquiry | 3/9/2015 |
| 11. | Department Response to ALC Follow Up Inquiry | 3/20/2015 |
| 12. | SCCCL Response to ALC Follow Up Inquiry | 3/23/2015 |
| 13. | KDP Response to ALC Follow Up Inquiry | 3/26/2015 |

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| 14. | Order Denying KDP's Motion to Open Record on Remand | 4/8/2015 |
| 15. | Final Order and Decision on Remand | 12/2/2015 |
| 16. | Department's Motion for Reconsideration and for Clarification of Final Order and Decision on Remand | 12/16/2015 |
| 17. | KDP Motion to Alter or Amend for Clarification | 12/16/2015 |
| 18. | SCCCL Motion for Reconsideration and for Clarification of Final Order and Decision on Remand | 12/16/2015 |
| 19. | KDP Response to SCCCL Motion for Reconsideration and for Clarification of Final Order and Decision on Remand | 1/7/2016 |
| 20. | KDP Response to SCDHEC Motion for Reconsideration and for Clarification of Final Order and Decision on Remand | 1/7/2016 |
| 21. | SCCCL Response to SCDHEC Motion for Reconsideration and for Clarification of Final Order and Decision on Remand | 1/7/2016 |
| 22. | SCCCL Response to KDP Motion to Alter or Amend for Clarification of Final Order and Decision on Remand | 1/7/2016 |
| 23. | Order Granting Motions for Clarification and Denying Motions for Reconsideration | 3/22/2016 |
| 24. | Amended Final Order and Decision on Remand | 3/22/2016 |
| 25. | SCCCL Notice of Appeal | 3/30/2016 |
| 26. | Department's Notice of Appeal | 4/21/2016 |
| 27. | 1994 Development Agreement | |
| 28. | Excerpts from Transcript: | |
| | Tr. p. 95 | |
| | Tr. p. 103 | |
| | Tr. p. 166 | |
| | Tr. p. 189 | |
| | Tr. p. 192 | |
| | Tr. p. 198 | |
| | Tr. p. 220 | |
| | Tr. pp. 249-250 | |
| | Tr. p. 262 | |
| | Tr. pp. 336-337 | |
| | Tr. pp. 465-478 | |
| | Tr. pp. 468-469 | |
| | Tr. pp. 474-476 | |
| | Tr. pp. 543-547 | |
| | Tr. pp. 573-574 | |
| | Tr. p. 612 | |
| | Tr. pp. 935-936 | |
| | Tr. pp. 960-962 | |
| | Tr. pp. 1019-1022 | |
| | Tr. pp. 1244-1245 | |
| | Tr. pp. 1260-1262 | |
| | Tr. p. 1343 | |
| 29. | Exhibits from Hearing: | |
| | KDP Ex. 6 (Photos of ACB on Daniel Island). | |

- KDP Ex. 44
KDP Ex. 75 - E (photograph)
KDP Ex. 77 (photographs)
30. Excerpts from Record on Appeal:
R. p. 323
R. p. 406-407
R. pp. 698-699
R. pp. 1077-1078
R. pp. 1135-1138
R. pp. 2012-2013

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

Respectfully submitted,

SOUTH CAROLINA DEPARTMENT OF
HEALTH AND ENVIRONMENTAL CONTROL

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November 16, 2016
Charleston, South Carolina

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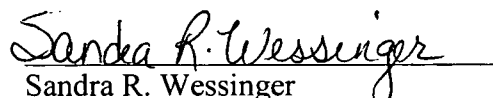
South Carolina Department of Health and Environmental Control
and Kiawah Development Partners, II, of whom South Carolina
Department of Health and Environmental Control is, Appellant, and
Kiawah Development Partners, II, is Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date she has served the Appellant, South Carolina Department of Health and Environmental Control'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:

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November 16, 2016