

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Administrative Law Judge

---

Appellate Case No. 2016-001758

---

**RECEIVED**

NOV 28 2016

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.

---

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

---

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

1. Administrative Law Court Final Order and Decision, filed July 7, 2016
2. Administrative Law Court Reconsideration Order, filed July 26, 2016
3. Prehearing Statements, filed October 19, 2015, of Petitioners, Horry County and DHEC
4. Petitioners' Request for Contested Case Hearing, August 28, 2015
5. DHEC Board Decision Denying Request for Final Review Conference, July 29, 2015
6. Petitioners' Request for Final Review Conference to the DHEC Board, July 10, 2015
7. Hearing Transcript Excerpts:

- a. Day 1, Pages 95-102, 114-87, 203-08, 229-72
  - b. Day 2, Pages 14-30, 44-47, 99-102, 110-12, 116, 144, 162-66, 170-73, 177, 180, 187-93, 209-25, 231-36, 240, 247-54
  - c. Day 3, Pages 13, 17-19, 23, 25, 40-42, 44-49, 51-53, 56, 61-81, 83, 91, 114-16, 173, 262-63, 278-79, 282-84, 296, 305, 313, 322-23, 342-50
  - d. Day 4, Pages 16, 27, 33-37, 44-47, 58-59, 72, 78-80, 84-85, 88, 92-94, 97, 104, 110-16, 118-20, 126-29, 131-32, 137-44, 146-48, 157-65, 167-70, 172-73, 177-78, 180-82, 185-86, 215-17, 219, 233, 244-48, 252-59, 263-67, 293-94
  - e. Day 5, Pages 10-110
8. Lewis Ocean Bay Management Plan, dated July 2013 (Petitioners' Exhibit 18)<sup>1</sup>
  9. SC SWAP 2015 Supplemental Volume Black Bear by SCDNR (Petitioners' Exhibit 24)
  10. SC Black Bear Management & Conservation Strategy 2011 by SCDNR (Petitioners' Exhibit 19)
  11. Identifying Potential Habitat Linkages near Lewis Ocean Bay by Michael Drewry & Frank Van Manen (Petitioners' Exhibit 15)
  12. Population Abundance & Genetic Structure of Black Bear in Coastal SC by Michael Drewry, dated July 2010 (Petitioners' Exhibit 16)
  13. Report by Walter McCown, dated March 10, 2010 (Petitioners' Exhibit 13)
  14. Bear/human contacts & bear data near Lewis Ocean Bay by SCDNR (Petitioners' Exhibit 17)

---

<sup>1</sup> References to exhibits in this list are as they were marked for identification in the hearing before the Administrative Law Court.

15. Graphic Bear Roadkills near Lewis Ocean Bay 2004-2015 by SCDNR (Petitioners' Exhibit 22)
16. Aerial map highlighting Lewis Ocean Bay (Petitioners' Exhibit 1)
17. Lewis Ocean Bay Black Bear Corridor by SCDNR, dated 6/25/04 (Petitioners' Exhibit 20)
18. Letter to Rob Huff, USACE, from Britt Feldner, December 18, 2014, with Appendixes (Horry County's Exhibit 3)
19. Letter Paul League to Horry County (re: request for easement), dated 4/11/06 (Petitioners' Exhibit 25)
20. Email communications Steve Gosnell, John Weaver, Mike Wooten, dated 3/2/10 w/ Letter Paul League to John Weaver (re: scope of improvements), dated 2/25/10 (Petitioners' Exhibit 26)
21. Deposition of Sam Chappelle with Exhibits, February 9, 2016, as admitted
22. Email communications John Weaver, Steve Gosnell, Joy Floyd, Jeff Burleson (re: meeting w/bear experts), dated 1/26/09 (Petitioners' Exhibit 46)
23. Proposed Wildlife Crossings map by The Brigman Company, dated 3/8/10 (Petitioners' Exhibit 12)
24. Email communications Steve Gosnell, Joy Floyd (re: 3 proposed wildlife crossings), dated 3/19/10 (Petitioners' Exhibit 40)
25. Email communications Andy Markunas, Steve Gosnell, Jeff Burleson (re: Walter McCown, wildlife underpasses), dated 12/09/09 (Petitioners' Exhibit 57)
26. Email communications John Weaver, Paul League, Deanna Ruth, Walter McCown, Frank

- Van Manen (re: single fence proposal), dated 6/7/10 (Petitioners' Exhibit 27)
27. Email communications Paul League, John Weaver, Steve Gosnell, Deanna Ruth (re: bear tracking study), dated 8/31/10 (Petitioners' Exhibit 28)
  28. Contract for Sale of Right-of-Way Easement, dated 7/26/10 (Petitioners' Exhibit 10)
  29. Contract for Sale of Right-of-Way Easement, dated 6/11/13 (Petitioners' Exhibit 11)
  30. Email communications Steve Gosnell, Chris Eldridge (re: other options), dated 8/1/12 (Petitioners' Exhibit 43)
  31. Email communications Steve Gosnell to Nelson Hardwick (re: summary 7/30/12 meeting), dated 8/6/12 (Petitioners' Exhibit 41)
  32. Briefing of current issues, dated 8/7/12 (Petitioners' Exhibit 44)
  33. Meeting notes by Steve Gosnell (re: status of road, SCDNR & Horry County), dated 10/18/12 (Petitioners' Exhibit 29)
  34. Email communications Steve Gosnell, Nelson Hardwick (re: revisions to agreement), dated 4/12/13 (Petitioners' Exhibit 47)
  35. Email communications Steve Gosnell to Nelson Hardwick (re: revisions to agreement), dated 4/22/13 (Petitioners' Exhibit 52)
  36. Meeting notes (re: status of issues, agreement), dated 5/1/13 (Petitioners' Exhibit 37)
  37. Joint Public Notice, dated 12/11/13 (Petitioners' Exhibit 4)
  38. Letter to Rob Huff, USACE, from Britt Feldner, February 25, 2015, with figures (Horry County Exhibit 4)
  39. Coastal Zone Consistency Memo and Certification, dated 6/25/15 (Petitioners' Exhibit 5)
  40. Department Decision & Bureau of Water Assessment, dated 6/25/16 (Petitioners' Exhibit

6)

41. Photographs of International Drive current conditions taken by Amelia Thompson on 1/26/16 (Petitioners' Exhibit 9)

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



Amy E. Armstrong

Amelia A. Thompson

Jessie A. White

SOUTH CAROLINA ENVIRONMENTAL LAW  
PROJECT

Mailing address: Post Office Box 1380  
Pawleys Island, SC 29585

Office address: 430 Highmarket Street  
Georgetown, SC 29440

Telephone (843) 527-0078

FAX (843) 527-0540

*Attorneys for the Appellants*

Georgetown, SC

November 23, 2016

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

NOV 28 2016

SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Administrative Law Judge

Appellate 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.

**CERTIFICATE OF SERVICE**

I hereby certify that on this date I served Respondents Horry County Public Works and SCDHEC with Appellants' Initial Brief, Designation of Matter and Motion to Exceed Page Limit for Initial Brief by placing copies of same in the U.S. Mail addressed to:

Stan Barnett, Esquire  
Suite 100, Building F  
1037 Chuck Dawley Blvd.  
Mt. Pleasant, SC 29464

Nathan Haber, Esquire  
DHEC/OCRM  
1362 McMillan Avenue, Suite 400  
Charleston, SC 29405

Michael Traynham, Esquire  
DHEC Office of Counsel  
2600 Bull Street  
Columbia, SC 29201



Amelia A. Thompson

Georgetown, South Carolina

November 23, 2016



# South Carolina Environmental Law Project

*Lawyers for the Wild Side of South Carolina*

November 23, 2016

a-501c3  
non-profit organization

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

**MAIN OFFICE**  
430 Highmarket Street  
Georgetown, SC 29440

**MAILING ADDRESSES**  
P.O. Box 1380  
Pawleys Island, SC 29585

P.O. Box 5761  
Greenville, SC 29606

(843) 527-0078  
(864) 412-7921  
Fax (843) 527 0540  
E-mail amy@scelp.org  
michael@scelp.org  
amelia@scelp.org  
jessie@scelp.org

#### BOARD OF DIRECTORS

**Frances Close**  
Chairperson

John Barton, Esq.  
John Mark Dean, PhD  
Margaret D. Fabri, Esq.  
Paula Feldman, PhD  
Susan Hilfer  
Gary W. Poliakoff, Esq.  
Leon Rice, Esq.  
Greg VanDerwerker, MD  
Nancy Vinson  
Wendy Zara

#### BOARD MEMBER EMERITI

Daryl Hawkins, Esq.  
Robert Schofield

#### ADVISORY COUNCIL

Josh Eagle, Esq.

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

RE: SC Coastal Conservation League and SC Wildlife  
Federation v. SCDHEC and Horry County Public Works  
Appellate Case No. 2016-001758

Dear Ms. Kitchings:

Enclosed for filing, please find the original and one copy each of the Appellants' Initial Brief and Designation of Matter, as well as the original and seven (7) copies of the Appellants' Motion to Exceed Page Limit for Initial Brief, along with my certificate of service.

Please return a clocked-in copy of each of the filings in the enclosed, postage-paid envelop. Thank you for your assistance.

Yours very truly,

Amelia A. Thompson

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

**RECEIVED**

NOV 28 2016

SC Court of Appeals