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SC Court of Appeals

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

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' MOTION TO EXCEED PAGE LIMIT
FOR INITIAL BRIEF**

TO: THE COURT OF APPEALS AND ALL PARTIES

PLEASE TAKE NOTICE that the Appellants South Carolina Coastal Conservation League and South Carolina Wildlife Federation move the Court for an Order allowing them to file an initial brief in excess of the page limits set forth in SCACR Rule 208(b)(5). The basis of this motion is that additional pages are needed in order to allow the Appellants to thoroughly and comprehensively inform the Court of the complex factual and legal issues raised in this appeal. Concurrent with the filing of this motion, Appellants are filing their Initial Brief, which exceeds the 50-page length limitation of Rule 208(b)(5) by approximately 10 pages.

This appeal arises from a Final Order and Decision of the Administrative Law Court ("ALC"). The ALC hearing lasted five days, during which twelve witnesses testified, including

seven expert witnesses in fields such as Wildlife Ecology; Wetlands and Water Quality; Black Bears; and Engineering. In order to cover the extensive testimony from multiple witnesses in a number of different fields of expertise, Appellants have committed over twenty pages of the Initial Brief to a statement of facts. These various expert opinions must then be analyzed within the complex framework of the Department's regulatory authority and the applicable regulations. The 401 Water Quality Regulations and the Coastal Management Program, both of which sources of law are at issue here, contain well over one dozen regulations and/or policies which are implicated by this appeal. Additional pages are needed in order to direct the Court to the applicable laws and to provide a complete and thorough analysis of the errors made by the lower court.

Because this appeal arises from an administrative hearing of unusual factual and legal complexity, the Appellants believe that the additional pages are needed in order to fully inform the Court of both the extensive testimony and evidence and the complex legal framework. Appellants have consulted with counsel for the Respondents, who consent to this motion.

Appellants hereby requests an exception under SCACR Rule 208(b)(5) to file an Initial Brief up to 65 pages in length.

Respectfully submitted,



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November 23, 2016

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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:

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November 23, 2016



South Carolina Environmental Law Project

Lawyers for the Wild Side of South Carolina

November 23, 2016

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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.

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