

**STAN BARNETT**

Attorney at Law  
305 North Civitas Street  
Mount Pleasant, South Carolina 29464  
(843) 884-1031  
stan.barnett@yahoo.com

December 21, 2016

The Honorable Jenny Abbott Kitchings  
Clerk, S.C. Court of Appeals  
1220 Senate Street  
Columbia, S.C. 29201

RECEIVED  
DEC 21 2016  
SC Court of Appeals

RE: S.C. DHEC and Horry County Public Works v. SC Coastal Conservation League and SC  
Wildlife Federation: Admin Law Court Case No. 15-ALJ-07-0404-CC  
Appellate Case No.: 2016-001758

Dear Ms Kitchings:

I am writing on behalf of Horry County concerning the Order issued yesterday clarifying the Writ of Supersedeas issued by the Court last Thursday, December 15. The second Order made clear that the Supersedeas was intended to require the County to “halt all work on the road project, including the widening, paving, and realigning of the existing unimproved portion of International Drive....”

The County wants to emphasize that they did not understand the first Order to be a prohibition on continuing work authorized by the Army Corps of Engineers permit. This same understanding was expressed in the media by the Director of one of the Appellants, the S.C. Coastal Conservation League. I have attached the article in which Dana Beach noted that his organization intended to seek a restraining order after the Supersedeas was issued. This was consistent with the County’s interpretation of the December 15 Order and the County anticipated an immediate filing by Appellants. The County wants to make clear that in no way did its officials believe they were violating any prohibition by this Court.

At the time the December 15 Order was issued, all work on International Drive other than some clean up, or “dressing up”, was completed. The County had intended to award a contract today for the concrete and paving work and other details of completion of the road. That will not be done until the case is resolved, or by other direction of the Court.

However, there are some items of work that the County believes need to be done, to avoid pollution and to protect the public. These are placement of barricades for safety purposes,

work to comply with the N.P.D.E.S. storm water general permit authorization (including some minor grading and grass seeding, which must be commenced within 14 days), and filling a trench some 100 feet long that the County is concerned is a hazard to hunters and others accessing the area. In addition, there is earth material stockpiled on the site the County would like to remove. Except for the barricade placement, the County will not undertake any of the above work without approval from the Court. All of this is consistent with the Court's ruling, as its result is not in furtherance of construction, will not alter the status quo that the Court is directing be maintained, but rather is necessitated to preserve the status quo and provide for the safety of the community. We request that the Court allow this small additional work to that end.

With kindest regards and appreciation, I remain

Sincerely,

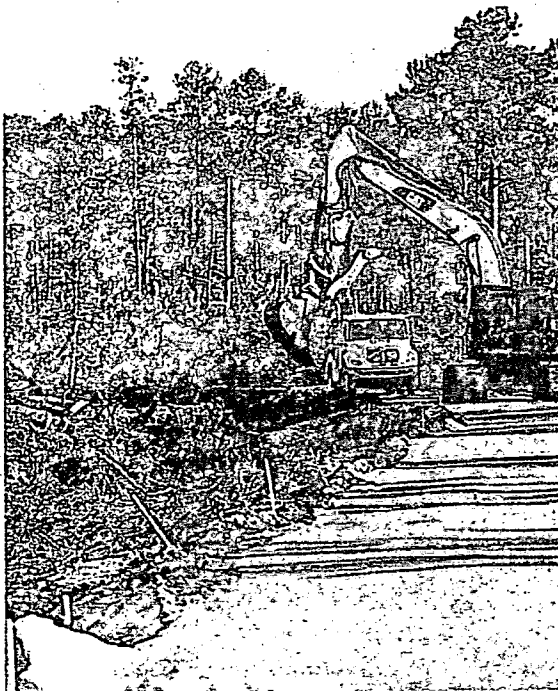
A handwritten signature in black ink, appearing to read "Stan Barnett". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Stan Barnett

Cc: Amy E. Armstrong, Esq.  
Michael Traynham, Esq.  
Nathan Haber, Esq.  
Arrigo Carotti, Esq.

LOCAL DECEMBER 15, 2016 12:06 PM

# Appeals court to hear International Drive case



RECEIVED  
DEC 21 2016  
SC Court of Appeals

◀ 1 of 2 ▶

JASON LEE - [jlee@thesunnews.com](mailto:jlee@thesunnews.com)

BY AUDREY HUDSON  
[ahudson@thesunnews.com](mailto:ahudson@thesunnews.com)

The S.C. Court of Appeals has agreed to hear arguments from environmentalists seeking to block construction of International Drive, which could cause further construction or completion delays on the contentious road project.

Dana Beach, executive director of the Coastal Conservation League says the decision to reexamine the issuance of permits needed to build the road means the court will also consider their request for a restraining order to stop or limit construction during the court process.

“It means they agreed with us and suspended the effects of the decision by the lower court to deny us a restraining order,” Beach said.

ADVERTISING



“It is my understanding that there will be a hearing on the substance of the appeal, but they’ve agreed to consider it,” Beach said.

“Our point of view is that because they agreed, it is a legitimate request that the county must not move forward with any further road construction until the court has the opportunity to deliberate and hear both sides and make a decision about who they agree with.”

No date has been set for the court to consider their case.

Mark Lazarus, Horry County Council chairman, could not be reached for comment Thursday. It was unclear whether the county agrees the decision means construction work must cease or can continue to move forward.

The Coastal Conservation League and S.C. Wildlife Federation filed a petition for supersedeas seeking to stay the permits needed

for the road project that were issued by the state Department of Health and Environmental Control.

After reviewing the environmentalists' request, the court said "we find supersedeas is necessary to prevent contested issues from becoming moot."

Beach says that if construction is not halted while the court case proceeds, then it's a moot point if the road is already built when the court makes a final ruling.

The groups have contested the road's construction in numerous state and federal court proceedings this year but have not been successful in stopping the road.

Construction began on the \$16 million 5.6 mile highway linking Carolina Forest with S.C. Highway 90 in August after a year of state court proceedings in which the county prevailed.

A federal judge did order that some road construction work be limited while the case proceeded in U.S. District Court, but that order was only temporary.

*Audrey Hudson: 843-444-1765, @AudreyHudson*

## RELATED CONTENT

- Driving International Drive from SC 90 to Myrtle Beach



## MORE LOCAL

---

## SUGGESTED FOR YOU