

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

FEB 21 2017

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

S.C. SUPREME COURT

Appellate Case No. 2016-000707

Kiawah Development Partners, II,..... Respondent,

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.

**RESPONDENT KIAWAH DEVELOPMENT PARTNERS, II'S
DESIGNATION OF MATTER**

In addition to the matters designated by the Appellants, Respondent designates the following:

1. KDP Request for DHEC Conference Review
2. CCL Request for DHEC Conference Review
3. DHEC Board Letter Denying Conference Review
4. KDP Request for Contested Case Hearing

5. CCL Request for Contested Case Hearing

6. Order of Supreme Court Granting Supersedeas and Expediting Appeal July 22, 2010

From the Exhibits at the Contest Case Hearing:

DHEC Ex. No. 2 – Technical Summary of Review

KDP Ex. No. 1 – Map KDP 0001

KDP Ex. No. 2 – 2005 Development Agreement inclusive of Exhibit 16.2 thereto

KDP Ex. No. 4 – Photographs marked 0338, 0849-0850, 0852, 0859-0860, 0863-0870, & 1104

KDP Ex. No. 5 – All photographs

KDP Ex. No. 10 – Letter dated 02/29/08 from Rogers to Joyner

KDP Ex. No. 30 – Letter dated 08/28/08 from Kana to Well at Seabrook POA

KDP Ex. No. 34 – Email dated 09/05/08 from O'Rourke at Charleston County PRC to Eiser

KDP Ex. No. 44 – 12/18/08 permit

KDP Ex. No. 48 – Southeastern Surveying plats and surveys

KDP Ex. No. 53 – 2008 and 2009 State of the Beaches Report

KDP Ex. No. 58 – Permar's draft conceptual renderings

KDP Ex. No. 69 – Kana CV

KDP Ex. No. 70 – DHEC letter dated 12/30/08

KDP Ex. No. 75 – Photos A through G

KDP Ex. No. 78 – Photographs marked SC0532 through SC0609

From the Transcript of the Contested Case Hearing, Pages:

1-4

73-125

144-145

165-194

209-236

248-269

276

280-285

289-294

298-330

335-338

347-355

358

364-368

374-375

377-393

398-406

410-411

416-420

434-435

440-455
460-482
505-510
518-519
533-537
546-549
555-574
579-590
593-594
599-607
613-615
617-625
633-638
649-681
684-692
702-704
707-708
721-722
743-746
751-755
764
769-771
775
785-789
795-796
800-801
812
899
908-920
935-937
943
953
1122-1135
1215
1234-1235
1243-1244
1261-1262
1325-1329
1332
1334-1335
1337
1342
1345
1353
1356-1359
1364-1365

1377
1394
1402-1403
1405-1406
1408-1409
1416-1419
1423-1424
1426-1427
1440
1444
1447-1448
1451
1472
1486-1488
1498
1502-1503
1507-1508
1564-1565
1580
1590-1592

Transcript of Hearing on Remand before ALC June 25, 2015

By: *G. Trenholm Walker*

G. Trenholm Walker (Bar No. 5777)
Thomas P. Gressette, Jr. (Bar No. 14065)
WALKER GRESSETTE FREEMAN & LINTON, LLC
Post Office Drawer 22167
Charleston, SC 29413-2216
Telephone: 843-727-2200
Fax: 843-727-2238
Walker@wgflaw.com
Gressette@wgflaw.com

Attorneys for Respondent
Kiawah Development Partners, II

February 16, 2017

Charleston, South Carolina

CERTIFICATION OF COUNSEL

The undersigned hereby certifies that this Designation of Matter to be included in the Record on Appeal contains no matter which is irrelevant to this appeal.

G. Trenholm Walker
G. Trenholm Walker 2-16-17

RECEIVED

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

FEB 21 2017

S.C. SUPREME COURT

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

Appellate Case No. 2016-000707

Kiawah Development Partners, II, Respondent,

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.

PROOF OF SERVICE

I, Nancy Jane Dennis, an employee of Walker Gressette Freeman & Linton, LLC, hereby certify that I have served this 16th day of February 2017, a copy of the Respondent's Initial Brief and Designation of Matter on counsel of record by placing the same in the United States mail, first-class postage pre-paid, to:

Bradley D. Churdar
Chief Counsel DHEC-OCRM
1362 McMillan Avenue, Suite 400
Charleston, SC 29405

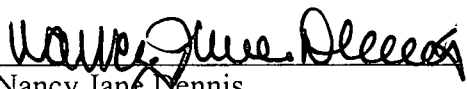
ATTORNEYS FOR SOUTH CAROLINA DEPARTMENT OF
HEALTH AND ENVIRONMENTAL CONTROL

Amy E. Armstrong
Amelia A. Thompson
Jessie Allison White
S.C. Environmental Law Project
P.O. Box 1380
Pawleys Island, SC 29585

Robert L. Brockman
The Law Center
701 S. Main Street
Columbia, SC 29208

ATTORNEYS FOR SOUTH CAROLINA COASTAL
CONSERVATION LEAGUE

Charleston, South Carolina


Nancy Jane Dennis