

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Administrative Law Judge

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Appellate Case No. 2019-000074

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Case No. 2015-ALJ-07-0579-CC

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RECEIVED  
MAY 28 2019  
SC Court of Appeals

South Carolina Coastal Conservation League..... Appellant,

v.

South Carolina Department of Health and Environmental Control, KDP, II, LLC,  
and Kiawah Development Partners, II..... Respondents.

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**SCDHEC'S RETURN TO  
MOTION TO TRANSFER**

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The South Carolina Department of Health and Environmental Control ("SCDHEC" or "the Department") submits this Return to Appellant, South Carolina Coastal Conservation League's Motion to Transfer this case for review by the Supreme Court. In the Appellant's Motion to Transfer, the Appellant stated that the Department consented to this request. The Department did not review or consent prior to the filing of this Motion. However, while the Department does not object to the relief sought in this motion, it does not concede the arguments set forth by the Appellant.

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The Department agrees that this matter should be certified for review by the Supreme Court, but all other arguments contained in the Motion to Transfer should be addressed in the Appellant's and Respondents' briefs. Specifically, the Department objects to the Appellant's assertions regarding deference accorded to the Department's interpretation of the applicable regulations and the Coastal Zone Management Program Document. The Department will address this issue along with any other issues raised during the briefing of this matter before the Court pursuant to Rule 208, SCACR.

For the foregoing reasons, the Department does not oppose the relief sought in the Appellant's Motion to Transfer but does not concede the merits of the Appellant's arguments set forth in the Motion.

Respectfully submitted,

SOUTH CAROLINA DEPARTMENT OF  
HEALTH AND ENVIRONMENTAL CONTROL

By: 

Bradley D. Churdar, Chief Counsel  
South Carolina Department of Health  
and Environmental Control  
1362 McMillan Avenue, Suite 400  
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(843) 953-0213  
(843) 953-0201 (fax)  
*Attorney for Respondent SCDHEC*

May 24, 2019  
Charleston, South Carolina

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and Kiawah Development Partners, II..... Respondents.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date he has served the Respondent, South Carolina Department of Health and Environmental Control's *Respondent's Return to Motion to Transfer* in this matter upon the following, by placing copies of same in the United States Mail, first class postage prepaid, addressed to:

The Honorable Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
Post Office Box 11330  
Columbia, SC 29211

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

Thomas P. Gressette, Jr., Esquire  
G. Trenholm Walker, Esquire  
Walker Gressette Freeman Linton  
Post Office Box 22167  
Charleston, SC 29413

Amy Armstrong, Esquire  
Jessie White, Esquire  
SC Environmental Law Project  
Post Office Box 1380  
Pawley's Island, SC 29585

May 24, 2019



Bradley D. Churdar



May 24, 2019

The Honorable Daniel E. Shearouse  
Clerk, Supreme Court of South Carolina  
Post Office Box 11330  
Columbia, SC 29211

RECEIVED  
MAY 28 2019  
SC Court of Appeals

Re: South Carolina Coastal Conservation League v. SCDHEC, KDP, II, LLC, and Kiawah  
Development Partners, II  
Case Tracking No. 2019-000074

Dear Mr. Shearouse:

Please find enclosed for filing the original and seven (7) copies of the Department's Return to Appellant's Motion to Transfer in the above referenced case. I would appreciate your returning a clocked copy in the enclosed envelope.

By copy of this letter, I am notifying all parties of this request.

**Please address all correspondence in this matter to my attention at 1362 McMillan Avenue, Suite 400, Charleston, South Carolina 29405.**

Thank you for your attention in this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Brad Churdar".

Bradley D. Churdar  
Chief Counsel

BDC/mdc

cc: Amy E. Armstrong, Esquire  
Jessie A. White, Esquire  
G. Trenholm Walker, Esquire  
Thomas P. Gressette, Jr., Esquire  
The Honorable Jenny Abbott Kitchings