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**OCT 23 2019**

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

**S.C. SUPREME COURT**

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

Appellate Case No. 2019-000841

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

v.

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

**RESPONDENTS KDP II, LLC AND KIAWAH DEVELOPMENT  
PARTNERS, II'S DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL**

In addition to those matters listed by Appellant in its designation of Matter on Appeal,  
Respondents designate the following to also be included in the Record on Appeal:

1. Amended Final Order and Decision on Remand filed March 22, 2016, in consolidated cases number 09-ALJ-07-0029-CC and 09-ALJ-07-0039CC;
2. Response by Respondents KDP II, LLC and KRA Development, LP to SCCCL Motion to Compel or, in the Alternative, to Strike or Exclude Evidence with KDP's Motion to Quash Subpoena and for Protective Order, 10-30-2017
3. Reply by Respondents KDP II, LLC and KRA Development, LP to SCCCL Response to KDP's Motion to Quash Subpoena and for Protective Order, December 1, 2017.
4. KDP Response to SCCCL's Motion in Limine or for a Continuance, 8-19-2017
5. Joint Trial Exhibit 3;
6. Joint Trial Exhibit 8;
7. Respondents' Trial Exhibits:

|    |            |   |
|----|------------|---|
| 1  | 2011/08/10 | TOKI to Pantlik with Approval of 1 <sup>st</sup> Preliminary Plat   |
| 3  | 2013/09/04 | Second Preliminary Plat Approved by Planning Commission of TOKI with Cover Letter                                       |
| 4  | 2013/12/09 | Amended & Restated Development Agreement with Exhs. 13.2 and 16.2   |
| 13 | 2016/05/12 | PRC LT Cardenas (Charleston County) to KDP Erosion at BWP   |
| 18 | 2017/08/16 | Potential Adjusted Road Alignment [KDP 08/18/17 0001]   |
| 19 | 2017/08/16 | Permar's Photos of Wood's Locations at Neck [KDP 08/18/17 0002-0020]  |
| 20 | 2017/08/18 | Mean High Water Exhibit Plat, Measurement of Distance from Critical Line to MHW at Neck August 2017 [KDP 08/18/17 0021] |
| 22 |            | Tim Kana CV   |
| 24 |            | Fig. T-12 from Monitoring Report – July 2016 by Coastal Science & Engineering   |
| 28 |            | Fig. 3.14 (lower) from Monitoring Report – July 2016 by Coastal Science & Engineering                                   |
| 29 |            | Fig. 5.2 from Monitoring Report – July 2016 by Coastal Science & Engineering  |
| 30 |            | Fig. 5.3 (upper) from Monitoring Report – July 2016 by Coastal Science & Engineering                                    |
| 33 | 2016/11/03 | Town of Kiawah Island Drone Photos Capt Sams (4 images)   |
| 35 | 2013       | Cape Charles Subdivision Plat Laid Over 2013 Aerial   |
| 36 | 2017/08/18 | Mark Permar Photos – PRC Capt Sams Erosion  |
| 37 | 2017/08/13 | Mark Permar Photos  |
| 38 | 2015/10/06 | Mark Permar Photos  |
| 40 | 2014/06/14 | Mark Permar Photos  |
| 41 | 2014/04/21 | Mark Permar Photos  |
| 42 | 2017/07/19 | Compilation of Critical Line Progression Along Riverbank, Sheets 1, 2, and 3 [KDP 07/28/17-0053-0055]                   |
| 43 |            | Kana Publication List   |
| 44 |            | Aerial Photo  |
| 45 |            | Aerial Photo  |

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



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October 18, 2019

Charleston, South Carolina

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**S.C. SUPREME COURT**

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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

Appellate Case No. 2019-000074

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

v.

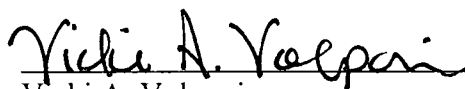
South Carolina Department of Health and Environmental Control,  
KDP II, LLC, and Kiawah Development Partners, II ..... Respondents.

**PROOF OF SERVICE**

The undersigned hereby certifies that on this 18th day of October, 2019, a copy of Respondents' **KDP, II, LLC and KIAWAH DEVELOPMENT PARTNERS II'S INITIAL BRIEF AND DESIGNATION OF MATTER** were served on counsel of record, by placing same in the United States Mail, first class postage prepaid to the following:

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