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**Aug 16 2021**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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

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Appellate Case No. 2021-000158

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

v.

South Carolina Department of Health and Environmental Control and  
DeBordieu Colony Community Association, ..... Respondents.

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**Respondent DeBordieu Colony Community Association’s Designation of  
Matter to be Included in the Record on Appeal**

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Pursuant to Rule 209 of the South Carolina Appellate Court Rules, Respondent DeBordieu Colony Community (DCCA) respectfully requests that the following items be included in the record on appeal in addition to those identified by the Appellant South Carolina Coastal Conservation League (SCCCL):

**Orders**

1. Order of Consolidation, dated July 20, 2020.

**Pleadings**

1. SCCCL Request for Final Review Conference, dated February 7, 2019.

2. DHEC Board Denial of Final Review Conference, dated March 7, 2019.
3. Baruch Request for Contested Case Hearing, dated April 3, 2019.
4. SCCCL Second Amended Prehearing Statement, dated February 12, 2020.
5. SCCCL Request for Final Review Conference, dated April 20, 2020.
6. DHEC Board Denial of Final Review Conference, dated May 21, 2020.
7. SCCCL Request for Contested Case Hearing, dated June 22, 2020.

### **Exhibits**

1. Respondents' Joint Exhibit 1A
2. Respondents' Joint Exhibit 1B
3. Respondents' Joint Exhibit 1C
4. Respondents' Joint Exhibit 1D
5. Respondents' Joint Exhibit 1E
6. Respondents' Joint Exhibit 1F
7. Respondents' Joint Exhibit 1G
8. Portions of Respondent's Joint Exhibit 29
  - a. SCDHEC File 2017-01795 – Page 000651 – 000822
  - b. SCDHEC File 2017-01795 – Page 001046 – 001053
  - c. SCDHEC File 2017-01795 – Page 004970 – 004976
  - d. SCDHEC File 2017-01795 – Page 005164 – 005178
9. Respondents' Joint Exhibit 31
10. Respondents' Joint Exhibit 51
11. Respondents' Joint Exhibit 53
12. Respondents' Joint Exhibit 54

The undersigned counsel hereby certifies, pursuant to Rule 209(c) of the South Carolina Appellate Court Rules that this Designation contains no matter that is irrelevant to the appeal.

Respectfully submitted,

s/Tracey C. Green

**WILLOUGHBY & HOEFER, P.A.**

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*Attorneys for DeBordieu Colony Community  
Association*

August 16, 2021  
Columbia, South Carolina

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

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**PROOF OF SERVICE**

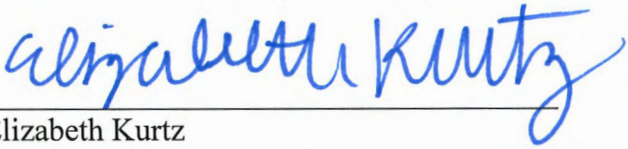
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This is to certify that I, Elizabeth Kurtz, a paralegal with the law firm Willoughby & Hoefler, P.A., have caused to be served this day one (1) copy each of **Respondent DeBordieu Colony Community Association's Initial Brief and Designation of Matter** via electronic mail at the email addresses reflected in the Attorney Information System and as set forth below:

Leslie S. Lenhardt, Esquire  
Benjamin D. Cunningham, Esquire  
**SC Environmental Law Project**  
leslie@scelp.org  
ben@scelp.org

Sallie P. Phelan, Esquire  
Bradley D. Churdar, Esquire  
**SCDHEC**  
phelansp@dhec.sc.gov  
churdabd@dhec.sc.gov

A copy of the email serving counsel as stated above is attached hereto as Exhibit 1.

  
Elizabeth Kurtz

This 16<sup>th</sup> day of August, 2021  
Columbia, South Carolina

# EXHIBIT 1

## Elizabeth P. Kurtz

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**From:** Elizabeth P. Kurtz  
**Sent:** Monday, August 16, 2021 4:22 PM  
**To:** Leslie Lenhardt; ben@scelp.org; Churdar, Bradley; 'Phelan, Sallie P.'  
**Cc:** Tracey Green; J. Joseph (Joe) Owens; Randy Lowell  
**Subject:** South Carolina Coastal Conservation League v. SCDHEC and DeBordieu Colony Community Association | Appellate Case No. 2021-000158  
**Attachments:** 2021-08-16 Filing Ltr re Initial Brief.pdf; 2021-08-16 Respondent's Initial Brief.pdf; 2021-08-16 Respondent's Designation of Matter.pdf; 2021-08-16 POS re Respondent's Initial Brief.pdf

Good afternoon,

Attached for service upon you are the following:

1. Filing letter to the Hon. Jenny Abbott Kitchings;
2. Respondent DeBordieu Colony Community Association's Initial Brief and Designation of Matter; and
3. Proof of Service (without a copy of this email).

Should you have any difficulty opening any of these documents, please advise us. If you have any questions, do not hesitate to let us know.

Thank you,



Elizabeth P. Kurtz  
Paralegal  
**WILLOUGHBY & HOEFER, P.A.**  
930 Richland Street (29201)  
P.O. Box 8416  
Columbia, SC 29202  
(o) 803.252.3300 | (d) 803. 771.2133  
[ekurtz@willoughbyhoefler.com](mailto:ekurtz@willoughbyhoefler.com)

*Confidentiality Notice: The information contained in this transmittal, including any attachment, is privileged and confidential information and is intended only for the person or entity to which it is addressed. If you are neither the intended recipient nor the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any disclosure, copying or distribution or the taking of any action in reliance on the contents of this transmittal is strictly prohibited. If you have received this transmittal in error, please contact the sender immediately by telephoning the sender at (803) 252-3300 and, also, please delete this transmittal from any computer or other data bank. Upon request, we will reimburse your reasonable costs of notifying us of a transmission error. Thank you.*

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# WILLOUGHBY & HOEFER, P.A.

ATTORNEYS & COUNSELORS AT LAW

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TRACEY C. GREEN  
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\*ALSO ADMITTED IN TEXAS

\*\*ALSO ADMITTED IN WASHINGTON, D.C.

\*\*\*ALSO ADMITTED IN CALIFORNIA

\*\*\*\*ALSO ADMITTED IN NORTH CAROLINA

August 16, 2021

## VIA ELECTRONIC FILING BY EMAIL

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

**RECEIVED**

**Aug 16 2021**

**SC Court of Appeals**

Re: *South Carolina Coastal Conservation League v. SCDHEC and DeBordieu Colony  
Community Association*, Appellate Case No. 2021-000158

Dear Ms. Kitchings:

Attached for electronic filing by email in accordance with Supreme Court Order 2020-05-29-02, part (c)(6), and pursuant to Rule 240(e) of the South Carolina Appellate Court Rules, Respondent DeBordieu Colony Community Association respectfully submits its Initial Brief and Designation of Matter to be Included in the Record on Appeal. As permitted by Order 2020-05-29-02, part (c)(6), the attached filing is being made to the email address for the Court of Appeals. As also permitted by the Court, no other copies, whether paper or electronic, are being provided.

By copy of this letter, we are serving counsel for Appellant via email as permitted by Order 2020-05-29-02, part (g)(3), and attached is a proof of service to that effect.

Thank you. If you have any questions or need additional information, please contact me at your convenience.

Sincerely,

**WILLOUGHBY & HOEFER, P.A.**

Tracey C. Green

TCG/epk

cc: Leslie S. Lenhardt, Esquire  
Benjamin D. Cunningham, Esquire  
Sallie P. Phelan, Esquire  
Bradley D. Churdar, Esquire

OFFICES:

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