

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

LONDON 1 LLC, a South Carolina Limited Liability Company,)	CIVIL ACTION NO. 3:13-cv-00228-JFA
)	
Plaintiff,)	
)	
vs.)	
)	
UNITED STATES DEPARTMENT OF THE INTERIOR, AND CHIEF APPEALS OFFICER, CULTURAL RESOURCES NATIONAL PARK SERVICE UNITED STATES DEPARTMENT OF THE INTERIOR,)	ORDER
)	
Defendants.)	
)	

On September 27, 2013, Plaintiff moved to supplement the administrative record (ECF No. 30)—with what amounts to 46 additional pages—in an already voluminous record. Those 46 pages were submitted to the agency, but only after the final agency action. Defendants opposed the motion.

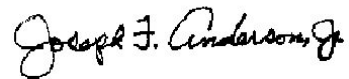
The court is convinced that Plaintiff’s motion must be denied.¹ The court finds that the September 4, 2012 letter, from the Chief Appeals Officer, stating that “my decision is the final administrative decision with respect to the February 15, 2012 denial that TPS issued regarding rehabilitation certification,” is in fact the final agency action. It is a bedrock principle of administrative law that “a court must only consider the record made before the agency at the time the agency acted.” *Dow AgroSciences LLC v. Nat’l Marine Fisheries Serv.*, 707 F.3d 462, 467

¹ After reading the initial briefs on the motion, this court held a telephone conference on November 22, 2013, wherein the parties argued the merits of the motion. That same day, this court order additional briefing from both parties, related to this court’s authority to remand the case back to the agency for further proceedings and the court’s authority to supplement the administrative record.

(4th Cir. 2013). Because those 46 pages were not before the agency at the time of the final agency action on September 4, 2012, Plaintiff's motion is denied.

IT IS SO ORDERED.

December 19, 2013
Columbia, South Carolina

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." in a cursive style.

Joseph F. Anderson, Jr.
United States District Judge