

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Coastal Conservation League and)
South Carolina Wildlife Federation,)

Civil Action No.: 4:16-CV-3008-RBH

Plaintiffs,)

vs.)

United States Army Corps of Engineers,)
Charleston District, and Lt. General Todd)

CONSENT ORDER

T. Semonite, Lt. Colonel Matthew Luzzato;)

US Environmental Protection Agency;)

Gina McCarty; Heather McTeer Toney,)

Horry County,)

Defendants.)

_____)

This matter comes before the Court on motion of the Plaintiffs for a Temporary Restraining Order. At the request of the Court, the Plaintiffs and Horry County explored the possibility of an agreement obviating the need for a hearing on that motion. As a result of that effort, the parties have agreed to certain limitations on work by Horry County within the project right of way for the project at issue, paving and improvement of International Drive in Horry County. With the consent of the parties, it is hereby ordered that pursuant to F.R.C.P 65(b), the County is enjoined from the following actions until such time as this Order is dissolved:

1. Performing any more filling, physical work or alteration in any wetlands in the project right of way which have not been filled as of the date of the issuance of this Order;
2. Removing or clearing any tree in the project right of way over 6" DBH. The County may remove damaged, unhealthy trees if they pose a safety hazard to persons or property; or

3. Performing any further physical work, alteration, clearing or filling on the Lewis Ocean Bay Preserve side of the project right of way.

By agreement of the parties, posting security by Plaintiffs is waived for the purposes of this Order.

The parties do not by consenting to this Order waive any position or argument or make any admission related to the factual and/or legal issues to be addressed in this case.

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

September 23, 2016
Florence, South Carolina

WE CONSENT:

s/ Amy E. Armstrong (ID # 9625)

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