

**BEFORE THE
RECLAMATION COMMISSION**

TRI-STATE RECLAMATION, LLC,	:	
	:	Case No. RC-06-015
Appellant,	:	
	:	
-vs-	:	
	:	
DIVISION OF MINERAL RESOURCES	:	Review of Chief's Decision;
MANAGEMENT,	:	Permit D-325
	:	(Peabody Coal)
Appellee,	:	
	:	
and	:	
	:	<u>REPORT OF THE</u>
PEABODY COAL COMPANY,	:	<u>HEARING OFFICER</u>
	:	
Intervenor.	:	

Appearances: Mark Stemm, Counsel for Appellant Tri-State Reclamation, LLC; Mark G. Bonaventura, Assistant Attorney General, Counsel for Appellee Division of Mineral Resources Management; Bruce Cryder, Counsel for Intervenor Peabody Coal Company.

FINDINGS, CONCLUSIONS

On December 1, 2006, Appellant Tri-State Reclamation, LLC filed with the Reclamation Commission a notice of appeal from the Division Chief's approval of an Application to Revise Coal Mining and Reclamation Permit D-325. This cause was assigned case number RC-06-015.

On February 21, 2007, Appellant filed a request to withdraw this appeal with the Reclamation Commission, indicating that this matter has been resolved between the parties. Pursuant to Ohio Administrative Code §1513-3-17, case number RC-06-015 is hereby **DISMISSED** without further action required by the Reclamation Commission.

2/27/07
DATE


LINDA WILHELM OSTERMAN
Hearing Officer

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