

BEFORE THE RECLAMATION COMMISSION

CARROLL CONCERNED CITIZENS, *et al.*, :

Appellants, :

-vs- :

DIVISION OF MINERAL RESOURCES :
MANAGEMENT, :

Appellee, :

and :

ROSEBUD MINING COMPANY, :

Intervenor. :

Case No. RC-15-003

Review of Issuance of Permit D-2438;
Rosebud Mining Company

REPORT OF THE HEARING OFFICER

Appearances: Richard C. Sahli, Counsel for Appellants Carroll Concerned Citizens, *et al.*; Brain Ball, Brian Becker, Assistant Attorneys General, Counsel for Appellee Division of Mineral Resources Management; Mark S. Stemm, Counsel for Intervenor Rosebud Mining Company.

FINDINGS, CONCLUSIONS

On April 14, 2015, Appellants Carroll Concerned Citizens, Inc., Paul Feezel, Mike Hammer and Deborah Ruehs ["the Appellants"] filed with the Reclamation Commission a Notice of Appeal from the Division Chief's issuance of mining permit D-2438 to Rosebud Mining Company ["Rosebud Mining"]. Permit D-2438 authorizes Rosebud to mine 9337.7 underground acres by the room & pillar mining method, and to affect 66.8 surface acres. On May 6, 2015, Rosebud was **granted** intervenor status in this appeal.

On May 19, 2015, the Appellants filed a Notice of Withdrawal of Appeal, requesting to withdraw appeal RC-15-003. Pursuant to Ohio Administrative Code §1513-3-17, case number RC-15-003 is hereby **DISMISSED** without further action required by the Reclamation Commission.

5/27/2015
DATE


LINDA WILHELM OSTERMAN
Hearing Officer

DISTRIBUTION:

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BEFORE THE RECLAMATION COMMISSION
STATE OF OHIO

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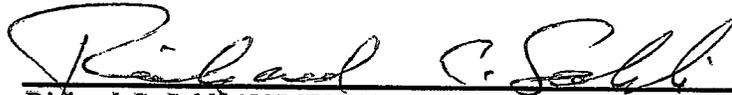
Carroll Concerned Citizens, Inc., et al.,	:	RECLAMATION COMMISSION
	:	
Appellants,	:	
	:	Appeal of Permit D-2438
v.	:	
	:	CASE NO. RC-15-003
Division of Mineral Resources	:	
Management, ODNR,	:	
	:	
Appellee, and	:	NOTICE OF WITHDRAWAL
	:	OF APPEAL
Rosebud Mining Company,	:	
	:	
Intervenor	:	

Pursuant to Ohio Adm. Code §1513-3-17(A), Appellants hereby give notice to the Commission and to Appellees of their withdrawal of the Notice of Appeal previously filed in this matter.

Appellants continue to believe, including through their consultation with experts, that the action appealed in this proceeding was arbitrary, capricious and inconsistent with applicable law.

This withdrawal is caused solely by the excessive financial commitment necessarily involved in prosecuting this appeal, especially in light of the extensive need for expert testimony. During Appellants' efforts to raise those funds following the issuance of Permit D-2438, it has become apparent that the members of Carroll Concerned Citizens and its supporters within Carroll County will be unable to raise those funds without suffering unsustainable financial hardships. This appeal is being withdrawn solely due to that unmanageable financial burden.

Respectfully Submitted,



Richard C. Sahli (OH SUP CRT No. 0007360)

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Attorney for Appellants

CERTIFICATE OF SERVICE

The undersigned hereby certified that he has served a copy of this Notice of Withdrawal of Appeal on counsel for the DMRM and Intervenor Rosebud by electronic mail as authorized in the prehearing order on this 19th day of May, 2015.



Richard C. Sahli

Attorney for Appellants