

# BEFORE THE RECLAMATION COMMISSION

RONALD FULLER, *et al.*,

Appellants,

-vs-

DIVISION OF MINERAL RESOURCES  
MANAGEMENT,

Appellee,

and

ROSEBUD MINING COMPANY,

Intervenor.

Case Nos. RC-16-003

Review of Chief's Response to Request  
for Informal Review; Permit D-2448  
Ginger Bend Mine (Rosebud Mining Co.)

## REPORT OF THE HEARING OFFICER

Appearances: James Yskamp, Emily A. Collins, David E. Armstrong, Counsel for Appellants Ronald Fuller, *et al.*; Brian Becker, Brett Kravitz, Assistant Attorneys General, Counsel for Appellee Division of Mineral Resources Management; Mark S. Stemm, Counsel for Intervenor Rosebud Mining Company.

## FINDINGS, CONCLUSIONS

On May 23, 2016, Appellants Ronald Fuller, Shawn Griggy and Mathew Crislip ["the Appellants"] filed with the Reclamation Commission a *Notice of Appeal* from the Division Chief's April 21, 2016 Response to Informal Review addressing the issuance of mining permit D-2448 to Rosebud Mining Company ["Rosebud Mining"]. This cause was assigned case number RC-16-003. On June 14, 2016, Rosebud Mining was **granted** intervenor status in this appeal.

On September 9, 2016, Appellants filed a *Notice of Withdrawal of Appeal* with the Reclamation Commission. Pursuant to Ohio Administrative Code §1513-3-17, case number RC-16-003 is hereby **DISMISSED** without further action required by the Reclamation Commission.

9/9/2016  
DATE

  
LINDA WILHELM-OSTERMAN  
Hearing Officer

Ronald Fuller, *et al.*  
RC-16-003

**DISTRIBUTION:**

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STATE OF OHIO

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RECLAMATION COMMISSION

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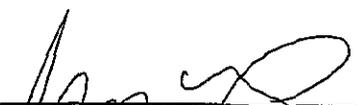
CASE NO. RC-16-003

NOTICE OF WITHDRAWAL OF APPEAL

Pursuant to OAC 1513-3-17(A) the Appellants, Ronald Fuller, Shawn Griggy, and Mathew Crislip, by and through their undersigned counsel, hereby give notice to the Commission, Appellee, and Intervenor of their withdrawal of their Notice of Appeal, Case No. RC-16-003.

This withdrawal is not intended to be a reflection on the merits of the Appellants' Assignments of Error, and the Appellants still have concerns about the impact mining activities will have on and around their properties. The Appellants' voluntary withdrawal of their appeal is based on litigating their Appeal in light of fees and costs moving forward.

Respectfully submitted,

  
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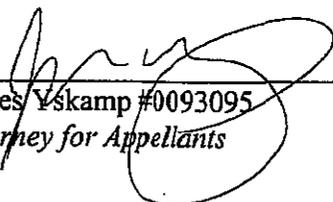
**PROOF OF SERVICE**

I hereby certify and confirm that on September 9, 2016 a true and correct copy of the foregoing was sent to the following counsel of record contemporaneously with this filing via electronic mail:

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Date: September 9, 2016

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*Attorney for Appellants*