

**STATE OF ILLINOIS
DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION DIVISION**

IN THE MATTER OF:

**SUGAR CAMP ENERGY, LLC
PERMIT NO. #382**

and

**ILLINOIS DEPARTMENT OF NATURAL
RESOURCES,**

Department,

and

SIERRA CLUB,

Petitioner,

and

SUGAR CREEK ENERGY, LLC,

Intervenor.

RECEIVED

JUN 30 2009

Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Permit No. 382

RECEIVED
DEPT. OF NATURAL RESOURCES
SPRINGFIELD

JUL 15 2009

OFFICE OF MINES & MINERALS
LAND RECLAMATION DIVISION

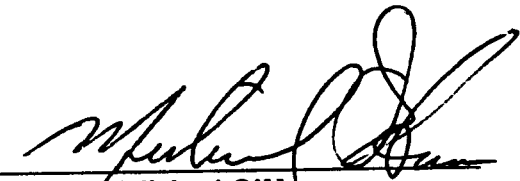
CORRECTED
ORDER DISMISSING CAUSE WITH PREJUDICE

This Matter comes to me pursuant to a Motion for Voluntary Dismissal filed by the Sierra Club on June 19, 2009, wherein the Sierra Club indicates that it "has made the strategic decision that its interests will be best served by focusing its limited resources in other areas as opposed to maintaining this appeal." (See, Sierra's "Motion for Voluntary Dismissal," ¶3) Accordingly, Sierra Club has indicated its desire to "withdraw[]its request for an administrative hearing." Since Sierra Club was the only party that had previously filed a timely request for an administrative review in this docket, the Motion for Voluntary Dismissal is hereby granted. Therefore, Sierra Club will be permitted to voluntarily withdraw its previously filed request for an administrative review as to the

final decision of the Illinois Department of Natural Resources in the above-referenced matter, and therefore this matter is dismissed. It should be noted that both the Illinois Department of Natural Resources and the Intervenor, Sugar Camp Energy, LLC¹ indicated (within subsequently filed Responses to Sierra's Motion to Withdraw) that they do not have any objection to the dismissal of this cause (nor do they have any objection to Sierra's withdrawal of its request for an administrative hearing), but both the Department and Sugar Camp have indicated a desire to have this matter dismissed *with prejudice*. In light of the fact that Sierra Club was the only party or entity that originally filed a timely request for administrative review, the Department's and Sugar Camp's request that this matter be dismissed with prejudice is reasonable. Therefore, the dismissal of this cause is with prejudice.

IT IS SO ORDERED.

Date: June 29, 2009



Michael O'Hara
Hearing Officer

Cavanagh & O'Hara
407 East Adam, P.O. Box 5043
Springfield, Illinois 62705
(217) 544-1774

¹ Sugar Camp Energy mistakenly filed its Response to Sierra's Club's Motion to Withdraw as "Williamson Energy, LLC," and I inadvertently, because of such error, cited Williamson as the party filing the Response. The purpose of this Corrected Order is to remedy that error.

PROOF OF SERVICE

The undersigned hereby certifies that a copy of the foregoing "Order Dismissing Cause With Prejudice" was mailed to the following at the last know addresses of:

Scott Fowler
Ill. Department of Natural Resources
Office of Mines and Minerals
Land Reclamation Division
One Natural Resources Way
Springfield, Illinois 62702-1271

Scott Helmholz
Attorney at Law
Brown, Hay & Stephens
P.O. Box 2459
Springfield, Illinois 62701

Ms. Virginia Yang
Ill. Department of Natural Resources
Deputy Legal Counsel
One Natural Resources Way
Springfield, Illinois 62702-1271

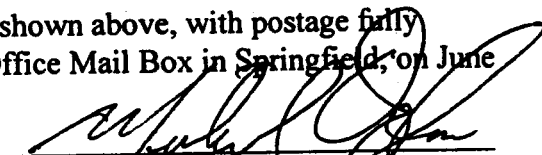
Ben Bailey
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James Gignac
Midwest Director
National Coal Campaign
Sierra Club
70 E. Lake St., Ste. 1500
Chicago, Illinois 60601

Brian Glasser
Attorney at Law
Bailey & Glasser, LLP
209 Capitol Street
Charleston, WV 25301

by enclosing the same in an envelope addressed to them as shown above, with postage fully prepaid, and by depositing said envelope into a U.S. Post Office Mail Box in Springfield, on June 29, 2009.


Michael W. O'Hara

Cavanagh & O'Hara
407 East Adams
P.O. Box 5043
Springfield, Illinois 62705
(217) 544-1771

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DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION DIVISION**

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 PERMIT NO. #382)
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 ILLINOIS DEPARTMENT OF NATURAL)
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 and)
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 SIERRA CLUB,)
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 Petitioner,)
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 and)
)
 SUGAR CREEK ENERGY, LLC,)
)
 Intervenor.)

RECEIVED

JUN 23 2009

Dept. of Natural Resources
OFFICE OF LEGAL COUNSEL

Permit No. 382

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DEPT. OF NATURAL RESOURCES

JUN 25 2009

OFFICE OF MINES & MINERALS
LAND RECLAMATION DIVISION

ORDER DISMISSING CAUSE WITH PREJUDICE

This Matter comes to me pursuant to a Motion for Voluntary Dismissal filed by the Sierra Club on June 19, 2009, wherein the Sierra Club indicates that it “has made the strategic decision that its interests will be best served by focusing its limited resources in other areas as opposed to maintaining this appeal.” (See, Sierra’s “Motion for Voluntary Dismissal,” ¶3) Accordingly, Sierra Club has indicated its desire to “withdraw[]its request for an administrative hearing.” Since Sierra Club was the only party that had previously filed a timely request for an administrative review in this docket, the Motion for Voluntary Dismissal is hereby granted. Therefore, Sierra Club will be permitted to voluntarily withdraw its previously filed request for an administrative review as to the

final decision of the Illinois Department of Natural Resources in the above-referenced matter, and therefore this matter is dismissed. It should be noted that both the Illinois Department of Natural Resources and the Intervenor, Williamson Energy LLC, indicated (within subsequently filed Responses to Sierra's Motion to Withdraw) that they do not have any objection to the dismissal of this cause (nor do they have any objection to Sierra's withdrawal of its request for an administrative hearing), but both the Department and Williamson have indicated a desire to have this matter dismissed *with prejudice*. In light of the fact that Sierra Club was the only party or entity that originally filed a timely request for administrative review, the Department's and Sugar Camp's request that this matter be dismissed with prejudice is reasonable. Therefore, the dismissal of this cause is with prejudice.

IT IS SO ORDERED.

Date: June 22, 2009

Cavanagh & O'Hara
407 East Adam, P.O. Box 5043
Springfield, Illinois 62705
(217) 544-1774



Michael O'Hara
Hearing Officer

PROOF OF SERVICE

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Ms. Virginia Yang
Ill. Department of Natural Resources
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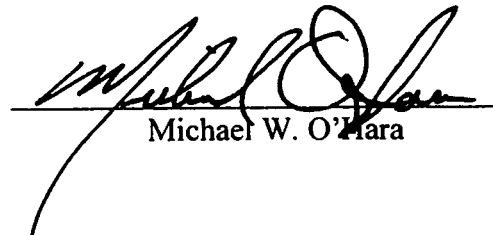
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70 E. Lake St., Ste. 1500
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Brian Glasser
Attorney at Law
Bailey & Glasser, LLP
209 Capitol Street
Charleston, WV 25301

by enclosing the same in an envelope addressed to them as shown above, with postage fully prepaid, and by depositing said envelope into a U.S. Post Office Mail Box in Springfield, on June 22, 2009



Michael W. O'Hara

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