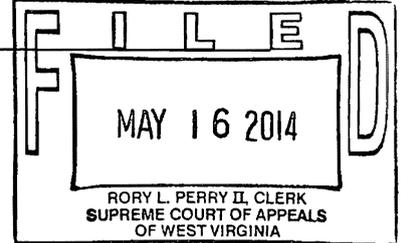


IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

No. 14-0247



**ALEX ENERGY, INC.,
Petitioner (Petitioner Below),**

and

**THOMAS L. CLARKE,
Director, Division of Mining and Reclamation,
West Virginia Department of Environmental Protection,
Petitioner (Petitioner Below)**

v.

**WEST VIRGINIA HIGHLANDS CONSERVANCY
and SIERRA CLUB,
Respondents (Respondents Below).**

**(Appeal from a Final Order of the Circuit Court of
Kanawha County, Civil Action No. 13-AA-132)**

**PETITIONER WVDEP'S NOTICE OF
CONCURRENCE WITH PETITIONER ALEX ENERGY'S BRIEF**

**Counsel for Petitioner, Thomas L. Clarke,
Director, Division of Mining and Reclamation,
West Virginia Department of Environmental Protection**

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IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

Supreme Court No. 14-0247

ALEX ENERGY, INC.,

Petitioner (Petitioner Below),

and

**THOMAS L. CLARKE,
Director, Division of Mining and Reclamation,
West Virginia Department of Environmental Protection,**

Petitioner (Petitioner Below)

v.

**WEST VIRGINIA HIGHLANDS CONSERVANCY
and SIERRA CLUB,**

Respondents (Respondents Below).

**PETITIONER WVDEP'S NOTICE OF
CONCURRENCE WITH PETITIONER ALEX ENERGY'S BRIEF**

The petitioner, Thomas L. Clarke, Director, Division of Mining and Reclamation, West Virginia Department of Environmental Protection ("WVDEP"), by counsel, hereby states its concurrence with the assignments of error, statements of fact, and arguments of law in the brief submitted by the petitioner Alex Energy, Inc. ("Alex Energy") in the above-styled matter. WVDEP, having previously been granted leave by the Court to join as a party in the above-styled matter, adopts by reference all such assignments, statements, and arguments of law.

Accordingly, WVDEP concurs with and joins in Alex Energy's request for relief, respectfully moving the Court to reverse the judgment of the Circuit Court of Kanawha County in Civil Action No. 13-AA-132 and for such other relief as is deemed just and appropriate.

Respectfully Submitted,
THOMAS L. CLARKE, Director,
Division of Mining and Reclamation,
West Virginia Department of
Environmental Protection

By Counsel:

A handwritten signature in black ink, appearing to read "Scott", with a large circular flourish and a long horizontal line extending to the right.

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CERTIFICATE OF SERVICE

I, C. Scott Driver, do hereby certify that service of the foregoing Petitioner WVDEP's Notice of Concurrence with Petitioner Alex Energy's Brief has been made this 16th day of May, 2014, by first class mail, postage prepaid, on the following:

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