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To jseyler@fs.fed.us

cc Robert Stovall/R9/USDAFS@FSNOTES, Leanne M Marten/R9/USDAFS@FSNOTES, Anthony Scardina/R9/USDAFS@FSNOTES, Jim

bcc

Subject FR 162 Pit - Chronology for Duhring cases

Good afternoon Jim,

As per your request, I am writing an e-mail that will give you a chronology regarding Duhring Resource Company's (Duhring) activities in the FR162 pit.

August 21, 2007: I sent an e-mail to Tony Scardina, et. al., regarding Duhring using a pit on NFS land (the FR 148/162 pit) that the Forest Service needed to use to implement road work for the Martin Run timber sales. The Forest Service had already tested this pit. This e-mail documents that Mr. Arthur Stewart of Duhring informed Len Jedrek and Jeff Stevenson that he thought Snyder Bros. used this pit, not Duhring. Mr. Steve Tachior of Duhring had informed Sheldon Winters that Duhring actually used this pit, which included areas that the Forest Service had previously tested for its own use.

August 22, 2007: Duhring sends a letter to Forest Supervisor Kathleen Morse in regards to stone removal and freedom of information request. Duhring discusses the FR162 pit in its letter, however, the pit plan Duhring refers to is the pit plan used for the Martin Run timber sales, not the Pit Development Plan that Jeff Yurchick finalized on August 24, 2007. Duhring discusses disagreements it has with the Forest Service in regards to pit management.

August 24, 2007: Jeff Yurchick completed a Pit Development Plan for the FR162 Pit. Specialists (wildlife and arch) provided confirmation that they reviewed the pit site before the pit plan was finalized.

September 11, 2007: The District sent Duhring Resource Company a Notice to Proceed (NTP) for Case No. 244 (Lot 7). The NTP stated the following: You have been authorized to use the Forest Service stone pit off of Forest Road 162 as your source of road building and well pad material. Your operations in this pit are subject to the enclosed pit plan. The pit plan was enclosed. The pit plan specifies Duhring could expand the pit up to one acre to implement Case Nos. 243 (Lot 8), 244 (Lot 7) and 245 (Lots 9 and 12).

November 9, 2007: The District sent Duhring a NTP for Case No. 245 (Lots 9 and 12). The NTP stated the following: You have been authorized to use the Forest Service stone pit off of Forest Road 162 near the intersection of Forest Roads 148/162 as your source of road building and well pad material. Your operations in this pit are subject to the enclosed pit management plan. This pit was approved for approximately one acre of expansion by the Record of Decision for the Martin Run Environmental Impact Statement (May 2005). The same pit plan used for Case No. 244 (Lot 7) was enclosed for this NTP (Case No. 245 - Lots 9 and 12).

March 28, 2008: Forest Supervisor Leanne Marten sent a letter to the oil and gas operators stating the following: ... I have directed my District Rangers, as of the date of this letter, to cease issuance of Notice to Proceeds that include the removal of mineral material from pits located on National Forest System lands unless procedures for disposing of mineral material owned by the United States have been followed as outlined in 36 CFR 228, Subpart C and FSM 2850.

May 5, 2008: The District sent Duhring a NTP for Case No. 243 (Lot 8). The NTP stated the following: You were previously authorized to use the Forest Service stone pit off Forest Road 162 as your source of road building and well pad material. The amount of material authorized for your operations were identified in the pit plan (see attachment) enclosed with the Notice to Proceeds and Operating Plans issued on September 11, 2007 (Lot 7) and November 9, 2007 (Lots 9 & 12). This pit was approved for approximately one acre of expansion (6,400 cubic yards) by the Record of Decision for the Martin Run EIS (May 2005). If

you need additional pit material for Lot 8 or other activities that extends beyond the amount previously authorized, the procedures for disposing of mineral materials owned by the United States as outlined in 36 CFR 228, Subpart C and Forest Service Manual (FSM) 2850 must be followed, as expressed in the letter dated March 28, 2008, from Forest Supervisor, Leanne Marten, to all oil and gas operators.

July 24, 2008: In a SITREP Briefing, Duhring Resources - Cut, Skid and Deck Agreements, dated July 24, 2008, Randy Durner wrote the following regarding Lot 8: Cotterman anticipates that this decked timber may be a "nightmare" to remove due to the fact that Duhring Resources has developed their access road from "in place" material and has not placed any stone to improve surface trafficability.

Comment: This notes that Duhring has not used the FR162 pit for its Lot 8 development.

If you have questions or need additional information, please let me know... PGW

----- Paul Weese, PE

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