

DUHRING RESOURCE COMPANY

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November 10, 2008

SENT VIA FAX & FIRST CLASS MAIL

Mr. Sheldon Winters
Allegheny National Forest
29 Forest Service Drive
Bradford, PA 16701

RE: Road Use Permit

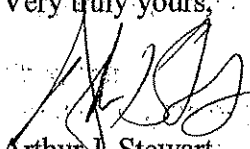
Dear Sheldon:

By facsimile dated October 21, 2008, you sent me a road permit for what I believe is Lot 9 in Sheffield Township, Warren County. I have been out of the office dealing with the death of my mother. I apologize for the delay in responding to you.

I would like to meet with you or whoever is in charge of road maintenance fee calculations. As you know, Duhring has objections to the use of the road use permit and the unilaterally imposed fee. The question of the propriety of the road use permit is being litigated so I am not asking you to resolve that issue. However, as I think you know, Duhring has objections to the manner in which the Forest Service calculated the road maintenance fee the last time it was done at Lot 9. Not only do we disagree with the Forest Service's unilateral establishment of the fee -- we also disagree with the manner by which the Forest Service applied its own formula. Among other things, the last time the Forest Service applied its unilateral formula, the Forest Service calculated the maintenance fee as though all of F.R. 148 was composed of a limestone surface. Instead, less than one-half of the surface is limestone. If the Forest Service formula were to be properly applied, then more than half of the rate should be calculated at the lower pit run rate. Additionally, the last time the Forest Service performed the calculations, it made erroneous assumptions about equipment use by Duhring.

Finally, I would like to meet so that we are on the same page with respect to roads being used and road distances.

Very truly yours,


Arthur J. Stewart

AJS/ame