



## United States Department of the Interior

OFFICE OF THE SOLICITOR

Knoxville Field Office

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Knoxville, Tennessee 37902

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April 28, 2003

Pryor Oil Company, Inc.  
136 E. Spring Street  
Cookeville, Tennessee 38501

Certified Mail No. 7002 2410 0004 4291 8745

Highland Drilling Company  
131 Gallaher Road  
Kingston, Tennessee 37763

Certified Mail No. 7002 2410 0004 4291 8752

Mr. Thomas White  
8015 Cortland  
Knoxville, Tennessee 37909

Certified Mail No. 7002 2410 0004 4291 8769

Mr. Elmer Howard  
256 High Point Road  
Deer Lodge, Tennessee 37726

Certified Mail No. 7002 2410 0004 4291 8776

**RE: Notice of Intent to Conduct Restoration Planning**  
**RE: Damages to Natural Resources Caused by Oil Spill**  
**Into Obed Wild and Scenic River**

Dear Sirs:

On behalf of the Secretary of the Interior, a natural resources trustee for the Obed Wild and Scenic River ("OWSR") and for threatened and endangered species of wildlife, and on behalf of the Commissioner of the Tennessee Department of Environment and Conservation ("TDEC"), the natural resources trustee for the state of Tennessee, this is to advise you that the Trustees have issued a Notice of Intent to Conduct Restoration Planning pursuant to 15 C.F.R. § 990.44, regarding damages caused by the oil spill at the Howard/White Unit #1 Well on High Point Road in Morgan County, Tennessee, which began on July 19, 2002. A full copy of the notice is enclosed.

Pursuant to 15 C.F.R. §§990.14(c) and 990.44(d), I wish to invite you to participate in the assessment and restoration planning process. I also encourage you to come forward and offer to fund the Trustees' assessment and restoration planning activities, which will include collection of additional data and scientific studies to determine the extent of the injuries to trust resources, and

will include planning to determine the appropriate primary or compensatory restoration actions. Pursuant to 15 C.F.R. § 990.14(c)(4), the timing, nature, and extent of your participation will be determined by the Trustees, in consideration of the factors stated in 990.14(c)(5):

- (i) Whether the responsible parties have been identified;
- (ii) The willingness of responsible parties to participate in the assessment;
- (iii) The willingness of responsible parties to fund assessment activities;
- (iv) The willingness and ability of responsible parties to conduct assessment activities in a technically sound and timely manner and to be bound by the results of jointly agreed upon studies;
- (v) The degree of cooperation of the responsible parties in the response to the incident; and
- (vi) The actions of the responsible parties in prior assessments.

Under the Oil Pollution Act of 1990 ("OPA"), 33 U.S.C. § 2701 et seq., and 15 C.F.R. Part 990, the parties responsible for natural resource damages are liable for the full cost of restoring the injured resources and the reasonable costs incurred by the trustees in assessing the damages, conducting restoration planning, and implementing the restoration plan. It may be in your interest to actively assist the Trustees in their assessment and planning work so that you can have input into what they do and how it is done, which may affect the costs of those activities. When the restoration planning is completed, you will be offered the opportunity to perform the restoration work determined by the Trustees or to pay for someone else to perform the work. See 15 C.F.R. § 990.62 et seq.

The Trustees have not decided, to date, to perform any emergency restoration work. However, that issue is not yet fully resolved.

If you have counsel and would like your counsel to discuss these matters with this office, please have him or her call Mr. Gerald A. Thornton, the attorney on my staff assigned to this matter. If you or your technical representative would like to speak directly to the trustees' representatives about technical issues regarding the assessment and appropriate restoration, you may contact Ms. Kristin Stoehr,<sup>1</sup> Unit Manager of OWSR (423-346-6294), who is the local trustee representative of the Secretary of the Interior, or Ms. Marsha White (615-532-0134), who is the authorized representative of the Tennessee Trustee, the Commissioner of TDEC. The lead legal counsel for the Tennessee Trustee is Deputy Attorney General Barry Turner, who may be reached at (615) 532-2586.

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<sup>1</sup> Ms. Stoehr will be leaving her position effective May 1, 2003. After that date, her replacement for purposes of this notice will be David Anderson, who can be reached at Ms. Stoehr's address and telephone number.

The Trustees look forward to your cooperation in the restoration of the natural resources damaged by the release of oil from the Howard/White Unit No. 1 Well.

Sincerely,



J.T. Begley  
FIELD SOLICITOR

JTB:gat

cc: Kristin Stoehr, Unit Manager, Obed Wild & Scenic River, Wartburg, TN

Marsha White, NRDA Coordinator, TDEC, Nashville, TN

Beverlee Roper, Esq., Beverlee J. Roper, Esq., Blackwell Sanders Peper Martin LLP,  
P.O. Box 419777, Kansas City, MO 64141-6777

Barry Turner, Deputy Attorney General, Office of the Attorney General, Nashville, TN

Gerald Thornton, Attorney