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January 30, 2012

Amy Potter  
Assistant United States Attorney  
Eugene Branch Office  
405 E 8<sup>th</sup> Avenue, Suite 2400  
Eugene, OR 97401

RE: *United States v. Hammond*

Dear Amy:

We've had a chance to review the September, October, November, December and January government discovery and I have several questions.

1. You indicate in paragraph 2 of your October 28, 2011 email that you have requested additional fire boxes. That material does not appear to be included in the subsequent discovery. Have you received them?
2. Can you tell me where the data came from to create the spreadsheet on the September Discovery, Disc 3, named "Burns Fire History 1982-2011, which is mentioned on page 4 of your September 26, 2011 transmittal letter."
3. Fire box 3 on Disc 3 of the September 30, 2011 discovery contains a 1203 page file, 06.G08113.pdf. This file contains time records for numerous people, but not Joe Glascock, Lance Okeson, Dennis Shrader, Lynn Miracle, John Petty, Bill Toney, Chad Rott, George Orr, Bill Lampert. Discovery makes clear that each of these people was employed by the BLM and working in the Burns District during the time covered by this fire box. Can you tell me why their time records were not included? Whether or not you can, please produce time records for each of these people.
4. Your September 26, 2011 transmittal letter, page 5, states that our Request#7 for "After Action Reviews" amounts to a request for records of oral discussions at meetings, which were not recorded. I ask that you request such material under different names, such as "Lessons Learned," or any other term which would include post-fire discussions, reviews and/or analyses of the fire suppressing operations.

Amy Potter  
January 30, 2012  
Page 2

5. Your September 26, 2011 transmittal letter, page 6, states that our Request #9 for "Briefing Packets" is located in the provided fire boxes. We appreciate that you have provided briefing packets for the suppression crews. We understand, however, that investigators are also provided with briefing packets. Please provide us with the briefing packets, including all reports notes and maps, that were provided to the fire investigators.

6. I do not believe we have the "Wildland Fire Investigators CD - Bates # 06.18141, noted both in your September 26, 2011 transmittal letter, page 7, as your response to our Request #14, and also noted at the very end of your "Discovery Index."

7. Disc 2 of the September Discovery contains folders for the 2001 Hardie Hammond Fire and the 2005 Fir Creek Fire. The folder for the 2001 Hardie Hammond Fire consists of a single document entitled "Fir Creek Fire EMERGENCY STABILIZATION PLAN." Does that document 05.00140.pdf bear on the 2001 Hardie Hammond Fire?

8. Discovery includes several BLM emails about the 2006 fires and the Hammonds. Are these all of the emails that reference the fires and the Hammonds? If not, please send us all that you have.

9. Can you provide all Aviation Management Directorate forms AMD 23 or similar reports of aircraft use, for each flight by an aircraft during, and engaged in, fire suppression of the Bridge Creek Fire, Lower Bridge Creek Fire, the Granddad Fire and the Krumbo Butte Fire for the period 08/21/2006 at 0001 Hrs through 09/15/2006 at 2400 Hrs.

10. The complete personnel file of Joe Glascock.

Discovery provided to date does not include numerous materials we have previously requested. It also suggests the existence of other relevant materials that our previous requests may not have covered. The following list includes both types of material. We request production of these materials or, in the alternative, a statement to the effect that a responsible government agent has searched for them and they do not appear to exist:

A. STEEN'S MOUNTAIN LOOP FIRE 1982

1. Investigative reports including sketches and cause and origin reports, including but not limited to all reports by Dell Wells, the U.S. Forest Service investigator who appears to have been in charge of the investigation.
2. Documents regarding evidence sent to the crime lab by Wells, and the results of testing.
3. Photographic negatives and copies of photos.

Amy Potter  
January 30, 2012  
Page 3

4. Phone logs and recordings for the time period 0001 Hrs 8/24/1982 through 2400 Hrs 8/27/82.
5. Radio logs and/or audio recordings of BLM radio traffic for the time period 0001 Hrs 8/24/1982 through 2400 Hrs 8/27/82.
6. Names and time sheets of all BLM employees or contractors who responded to or aided in suppression for the time period 0001 Hrs 8/24/1982 through 2400 Hrs 8/27/82.
7. The instruction sheet for Form DI-1201 (February 1973), which has been provided as discovery in files 82.00014 and 82.00210, including but not limited to a guide describing the numerical codes used on Form DI-1201.

B. LITTLE FIR FIRE 1996

1. Phone logs and audio recordings 0001 Hrs 8/24/1996 through 2400 Hrs 8/24/1996.
2. Audio recordings of BLM radio traffic 0001 Hrs 8/24/1996 through 2400 Hrs 8/24/1996.
3. Names and time sheets of any other individuals, either BLM employees or contractors, in addition to William Swann, Donovan Dollar, Dale Boyd, Ron McEwen, Jesse Krueger and Keith Martin, who responded to or aided in suppression.
4. Records of any interview of Dale R. or Shirley Welch, campers in the area.

C. FIR CREEK/BRIDGE CREEK FIRE 1999

1. Reports regarding the GPS plot done by BLM to establish acreage burned, as well as maps made as a result (99.00008).
2. Any photographs taken during the helicopter over flight on 9/12/99.
3. Names and timesheets of any individuals, either BLM employees or contractors or South Steen's Burn crew, who saw smoke on 9/12/1999 from the area of Bridge and Pine Creek.
4. Phone logs and/or audio recordings of the phone call made by Steve Hammond to Burns Interagency Communications Center on 09/09/1999 regarding range burning of his property.

D. HARDIE/HAMMOND FIRE 2001

1. Reports of US Fish & Wildlife Law Enforcement Officer Pete Revak regarding complaint by Gordon Choate on September 30, 2001 including interviews and investigative reports photos and sketches.
2. Cause and origin reports regarding this fire.
3. Copies of all reports, photos, maps, sketches, or other information provided by BLM Agent Dennis Schrader to the U.S. Attorney's Office in 2001 in an attempt to charge Steve Hammond with crimes regarding the 2001 Hardie /Hammond Fire.

Amy Potter  
January 30, 2012  
Page 4

4. Reports of an interview of Gordon Choate by Rod Spannous OSP Fish & Game and Pete Revak USFWS Enforcement Officer on October 1, 2001 (page 01.00111).
5. Fire training and experience records and copies of completed task books regarding fire positions for Dave Ward, specifically any and all classes regarding fire origin and cause determination, fire investigations conducted (In reference to Ward's statement that he could observe where the fire started on Hammond Ranches Land, 01.00108 (H-100556).

#### E. FIR CREEK FIRE AKA LITTLE BRIDGE CREEK 2005

1. Any and all Fire cause and origin investigation reports including any maps (fire perimeter maps included), sketches, drawings, photos regarding the 2005 fires known as:
  - a. Incident #2225 aka Fire # B4Q0 8/21/2005
  - b. Bone Break Fire aka Fire # B4Q5 8/21/2005
  - c. Broken Hand Fire aka Fire #B4Q2 8/21/2005
  - d. Incident #2239 aka Fire #B40X 8/21/2005
  - e. Little Bridge Creek Fire #B4S1 8/22/2005
  - f. Fir Creek Fire #B4WR 8/23/2005

including the names, qualifications, training and experience of the origin and cause investigators.

2. After action review of these fires.
3. Daily fire progression aerial photos and sketches.
4. Any and all sketches, fire perimeter maps, reports, photos, reports of interviews, or any other material used to establish the fire perimeter on Exhibit #1 to the Government's Motion for Order Requiring Defendants to Disclose Notice of Alibi Defense [CR 34-1].
5. The GPS Map referred to as the "attached GPS Map" in 05.00016.
6. Final Fire perimeter maps for the 2005 Little Bridge Creek Fire, Fire #B4S1 and Fir Creek Fire, Fire #B4WR.
7. Description of items mentioned in "Chain of Custody" item #6 on 4/4/07 (page 05.00054) and item 11 on 4/16/07 (page 05.00029).

#### F. LOWER BRIDGE CREEK FIRE 2006

1. Any and all Initial attack reports, BICC Incident Reports, Northwest Incident Organizers, sketches, fire perimeter maps, weather observations, fire behavior observations, aircraft reports, incident objectives, fire resource summaries including those initiated by the Burns Interagency Coordination Center, US Fish & Wildlife Service and any other public or private fire suppression organization responding to the following:
  - a. Granddad fire Incident #2501 aka Fire #C4UB 8/21/2006
  - b. Incident #2348 aka Fire #C1H5 7/25/2006

Amy Potter  
January 30, 2012  
Page 5

- c. Incident #2528 aka Fire #C4U5 8/22/2006
- d. Incident #2529 aka Fire #C4Z6 8/22/2006
- e. Any other incident reported in the vicinity bounded by the Knox Springs Road on the north, Moon Hill Road on the east, Steens Mountain Loop Road/Fish Lake Road on the south and the National Wildlife Refuge Center Patrol Road on the west.
- f. The fire specifically mentioned in page 00019 of "STEENS MT. ARSON MOI REPORTS" by Dennis Shrader under the section headed as "SUMMARY REPORT GRANDDAD FIRE INVESTIGATION".

Specifically for the period of 8/21/2006 at 0001 Hrs through 8/23/2006 at 2359 Hrs.

2. Any and all Initial attack reports, BICC Incident Reports, Northwest Incident Organizers, sketches, fire perimeter maps, weather observations, fire behavior observations, aircraft reports, incident objectives, fire resource summaries including those initiated by the Burns Interagency Coordination Center, US Fish & Wildlife Service and any other public or private fire suppression organization responding to an incident referred to as the Lower Bridge Creek Arson.
3. Names and time cards of BLM, US Forest Service, and/or US Fish & Wildlife Service employees and/or contractors responding to fires.
4. Sketches or maps made by or used by the initial attack crews for the above mentioned incidents.
5. US Fish & Wildlife firefighter reports regarding the initial attack on the Fire, including reports, photos, sketches, names and time cards of employees engaged in suppressing the fire.
6. Names and time cards of BLM crew engaged in suppression between Lower Bridge Creek and Mud Creek.
7. Any photos, sketches and/or reports generated by the crew responding on the evening of August 21, 2006.
8. Any and all documentation regarding the Hi Desert Type III incident management team involvement with the management of Incident # OR-BUD 2006-2501, including but not limited to:
  - a. Incident Action Plans
  - b. Weather Observations
  - c. Any and all maps generated by the team
  - d. Any and all Unit Logs
  - e. Resources assigned and specific suppression locations and assignments for said resources.
  - f. Reports of any and all suppression methods utilized including but not limited to direct and indirect attack methods and location of said methods. Any maps utilized with the suppression of the above Incidents, including but not limited to the location of any proposed actions such as direct attack, dozer lines, burnout operations and any maps showing the completion of said actions. Any and all suppression

Amy Potter  
January 30, 2012  
Page 6

efforts accomplished by any aerial resource including but not limited helicopter bucket drops, any retardant drops made by any fixed wing aircraft. Any reports of interviews of any pilots associated with those suppression activities. Any and all notes, initial attack dispatch forms utilized to dispatch said aircraft. Any kneeboard or other records kept by the pilots or managers of said aircraft associated with the above mentioned fires. Any SafeComs filed associated with any aerial activities connected with the above mentioned incidents.

9. Any briefing documents provided by the initial attack forces to the Type III incident management team, and any subsequent documents provided by the Type III incident management team to any incoming incident management teams.

#### G. KRUMBO FIRE 2006

1. Any and all Aircraft Use Reports.
2. Reports of any and all suppression methods utilized including but not limited to direct and indirect attack methods and location of said methods. Any maps utilized with the suppression of the above Incidents, including but not limited to the location of any proposed actions such as direct attack, dozer lines, burnout operations and any maps showing the completion of said actions. Any and all suppression efforts accomplished by any aerial resource including but not limited to helicopter bucket drops, any retardant drops made by any fixed wing aircraft. Any reports of interviews of any pilots associated with those suppression activities. Any and all notes, initial attack dispatch forms utilized to dispatch said aircraft. Any kneeboard or other records kept by the pilots or managers of said aircraft associated with the above mentioned fires. Any SafeComs filed associated with any aerial activities connected with the above mentioned incidents.
3. Any and all application and affidavit in support of search warrant utilized in conjunction with the origin and cause determination examinations conducted on private lands owned by Hammond Ranches Inc. within the Krumbo Fire vicinity on 8/28/2006 and 8/29/2006. Any and all search warrants issued for the Krumbo Fire vicinity for said period. Notification of Return of Search Warrant for said period.
4. Radio logs and audio recordings from Burns Interagency Communications for the period August 23, 2006 at 0001 Hrs through August 23, 2006 at 2400 Hrs.
5. Telephone logs from Burns Interagency Communications for the period August 23, 2006 at 0001 Hrs through August 23, 2006 at 2400 Hrs.
6. Names and time cards of BLM and contract employees responding to and/or suppressing the Krumbo Fire.
7. After action review report of the Krumbo Fire conducted on 8/23/2006 in Frenchglen.
8. Notes or reports of daily briefings regarding the Krumbo Fire.

Amy Potter  
January 30, 2012  
Page 7

9. Photograph log of photos on pages 06.K00001 through 06.K00023. (note: log on page 06.K00034 does not appear to correspond with or adequately describe these photos).
10. Harney County Sheriff's Department notes reports, photos, and audio or video recordings regarding the Krumbo Fire.

#### H. GRANDDAD FIRE 2006

1. Radio logs and/or audiotapes from Burns BLM Interagency. Communications for the period August 23, 2006 at 0001 Hrs through September 9, 2006 at 2400 Hrs.
2. Burns BLM Interagency Communications telephone logs and/or audiotapes for the period August 21, 2006 through September 9, 2006 at 2400 Hrs.
3. Patrol logs, not just patrol field notes, of Ranger George Orr for the period August 21, 2006 at 0001 Hrs through September 9, 2006 at 2400 Hrs.
4. Patrol Logs of Ranger Lynn Miracle for the period August 21, 2006 at 0001 Hrs through September 9, 2006 at 2400 Hrs.
5. Map used by Ranger Miracle in a recorded interview of Joe Glascock on June 19, 2007, upon which Glascock marked items. (You agreed to provide this earlier.)
6. Photographs taken by Ranger Orr during the Granddad Fire.
7. Photo logs corresponding to photos on pages 06.G 02140 through 06.G02880 and 06.G03888 through 06.G 04114.
8. Photos corresponding to logs on pages 06.G02107 through 06.G02132.
9. Cell phone number of Joe Glascock used during the period of August 1, 2006 through December 31, 2006.
10. Reports of Rod Spannos regarding interviews or investigation conducted during the Granddad Fire.
11. Cell phone number of Lance Okeson used during the period of August 1, 2006 through December 31, 2006.
12. The actual devices (from Evidence) for measurement as they were used to show scale in photos taken during the Granddad Fire investigation:
  - a. 06.G 00256 mechanical pencil (Ignition 9)
  - b. 06.G 01527 mechanical pencil (Ignition 9)
  - c. 06.G01607 GPS device (unknown location)
  - d. 06.G01609 Mechanical pencil/GPS device (unknown location)
13. Map shown by Glascock to Ranger Orr on 8/23/06 (06.G00326).
14. Any and all documents relating to Time and Attendance i.e. Crew Time Reports, Field Time Reports, Emergency FireFighter Time Report, OF-288 for Lance Okeson, Joe Glascock, David Toney, Chad Rott and Bret Duntun.
15. Reports regarding Jeff Stampfly assisting investigators (Page 06.G17663).
16. Word pdf files and an Adobe file attached to Final Report of Charlie Martin (Page 01265).
17. Oregon Aerial Hunting List for 2006 & 2007 referred to in report (Pages 01554-01557).

Amy Potter  
 January 30, 2012  
 Page 8

18. Pdf file attachment to the e-mail at Page 01306).
19. Word file attached to the e-mail at Page 01496).
20. Typed Report of interview with Donald Swindle on 6/14/10 (Page 01335).
21. Typed Report of interview with Donna Stovall 6/10/10 (Pages 01376-01377).
22. Typed Report of interview with Elaine Brong (Pages 01390-01393).
23. Typed Report of interview with Gary Edward Bell (Pages 01399-01403).
24. Typed Report of interview with Joan Sutton 6/9/10 (Pages 01505-01507).
25. Typed Report of interview with Steve Grasty 9/9/10 (Page 01632).
26. Typed Report of interview with Tammie Choate 6/17/10 (Pages 01639-01640).
27. Typed Report of interview with Tara Wilson Martin 6/10/10 (Pages 01641-01642).
28. Typed Report of interview with Bill Lampert Sr on 6/17/11 and a statement given by Lampert to Burns BLM Dispatch in August 2006 (Pages 01697-01698).
29. Typed Report of interview with Pete Revak on 1/30/02 (Pages 0715-0717).
30. Copies of any Subpoena's Duces Tecum served on Bank of Eastern Oregon regarding the Hammonds, Hammond Ranches, Inc. or HRI during the period 8/15/2001 through January 15, 2012, with return documentation.
31. Reports of interviews with Dan McNeley by BLM & IRS Agents (Pages 03191-03196).
32. Reports of interviews with Melissa Lindsey by BLM & IRS Agents (Pages 03191-03196) Reports of interviews with Jeff Bailey by BLM & IRS Agents (Pages 03191-03196).
33. Spreadsheet attachment to Telephone Analyst Report (Page 03454).
34. Reports of test results regarding comparisons of known Hammond vehicle tire tread with tire prints at the location of the "Swept away footprint" location (Page 03542).
35. Copy of the map made by Joe Bates referred to in George Orr's Field Notes on 8/21/06 (Page 03716).
36. Field notes made by Michael Windom were received in discovery. The notes appear to be heavily redacted. There were no reports regarding these notes in any discovery materials received to date. The individuals interviewed include the following, reports of which are requested. The un-redacted notes are also requested.

Don Munkers	7/7/11	Page 03740
Brett Dunten	7/16/11	03741
Gordon Choate		03748
Tom Dyer	7/29/11	03750
Bill Langenfeld	7/29/11	03753
Cam Swisher	8/03/11	03754
Karla Bird	8/03/11	03757
Jon Manski	8/03/11	03758
Steve Morefield	8/03/11	03759
Ryan Hussey	8/03/11	03761



Amy Potter  
January 30, 2012  
Page 9

Brett Dunten	7/16/11	03741
Gordon Choate		03748
Tom Dyer	7/29/11	03750
Bill Langenfeld	7/29/11	03753
Cam Swisher	8/03/11	03754
Karla Bird	8/03/11	03757
Jon Manski	8/03/11	03758
Steve Morefield	8/03/11	03759
Ryan Hussey	8/03/11	03761
Joe Bates	8/03/11	03762
Alice Elshoff	8/04/11	03763
Joe Glascock	8/04/11	03764
Ryan Hussey	8/04/11	03765
Lisa Megargee	8/04/11	03766
Chad Rott	8/04/11	03766
Bill Lampert Sr	8/05/11	03768
Jeff Stampfly	8/18/11	03770
Gordon Choate	9/16/11	03773
Langenfeld Photos		03753

Yours truly,



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LM/smw

Cc: Marc Blackman  
Steven Hammond  
Frank R. Papagni