



United States
Department of
Agriculture

Forest
Service

Allegheny National Forest
Supervisor's Office

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File Code: 2820-2
Date: February 22, 2008

Arthur J. Stewart
Duhring Resource Company
203 Center St.
P. O. Box 726
Sheffield, PA 16347

Dear Mr. Stewart:

While looking into concerns you recently raised in letters to me personally, it came to my attention that previous letters dated September 5, 2007, September 19, 2007, and September 24, 2007, may not have had a direct response. My apologies for any oversight that may have occurred.

Your September 5, 2007, and September 19, 2007, letters raised concerns regarding activities in Lots 7, 8 and 9. I have checked into your concerns and determined proper communication with Duhring Resource Company ("Duhring") personnel occurred throughout the process including while work was being completed on the ground. At no time during these numerous communications were any problems or concerns raised by Duhring personnel.

Please note that in reference to your concerns on the culvert pipe replacement, I have found that during the time the Forest Service contractor was working, Duhring personnel were on site with him and unable to identify existing pipeline locations. At the time the mishap occurred, it was noted that the pipeline damaged had been improperly installed (i.e. placed too shallow). Should Duhring wish to pursue recovery of any alleged damages, then please be advised that the Federal Government may not be held liable for actions of its contractors.

We also note that allegations related to your September 5th letter have been raised in Duhring's complaint in the pending litigation against the Forest Service. Since this is part of an ongoing litigation case, it is inappropriate for me to comment further or provide any other correspondence regarding this matter.

Your September 24, 2007 letter referred to concerns regarding the notice to proceed form and pre-work conferences. The notice to proceed form is used consistently across the forest and will continue to be used. The pre-work conferences are an attempt to enhance our communication and minimize any potential misunderstandings as work on the ground proceeds and will proceed.

Thank you.

Sincerely,

/s/ Leanne M. Marten
LEANNE M. MARTEN
Forest Supervisor

