

File Code: 2830

Date: February 11, 2008

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

Dear Mr. Stewart,

This letter is in regard to the unauthorized pipeline installed on Forest Road 148, and the subsequent damages associated with the pipeline. In an effort to maintain a good working relationship, as well as remedy damages sustained on National Forest System lands, I have outlined two options for resolution.

The two options include:

1. Duhring Resource Company could rehabilitate the area with their own equipment and resources, based on Forest Service standards and an agreed upon timeline. If you choose this option, I will assign a Forest Service staff member to work with you on the standards and timeline.
2. Duhring Resource Company could reimburse the Forest Service for the damages in the amount needed to rehabilitate the area. We have estimated these costs to total approximately \$810.00. These costs include:

One load limestone surfacing -	\$600.00
Back hoe operation – one hour -	\$ 60.00
Mobilization -	\$100.00
Metal tape or trace wire -	\$ 50.00

It is my sincere hope that you will find one of these options acceptable so that we can put this matter behind us. Please inform me of your decision at your earliest convenience. Thank you.

/s/ Robert A. Stovall (for)
ANTHONY V. SCARDINA
District Ranger



Duhring Resources, LOT 7, FR 148 – Unauthorized Pipeline

On 9/28/07, while doing some timber sale road work administration for the Rock Run timber sale, Len Jedrek noticed that Duhring Resources had open cut and backfilled a plastic pipeline across the entrance of FR 148 at the intersection with SR 948. This work was in a recently reconstructed limestone surfaced segment on FR 148 and the trench was already settled indicating poor compaction (see attached photographs). No limestone aggregate was used to backfill or to provide an "in-kind" replacement of the previous existing running surface. Duhring's actions were done without coordinating with the ANF in advance. No Forest Service officer approval was received and we believe the work was done illegally (this involved a previous operating plan and case in Lot 7 - not Case #244 in the complaint).

After dealing with several OGM lines during pipe replacements along FR 148 involving Duhring, Jedrek believes that this new crossing also lacked plastic marker tape or a tracer wire. Jedrek had discussion with Sheldon Winters (OGM Administrator) and Paul Weese (OGM Coordinator) on how to deal with this issue, and it was agreed that Winters would contact Duhring to fix the settling.

The next week, Jedrek noticed that a half-hearted attempt was made to backfill the trench settlement by backfilling a 5' wide width with oversize material. It was a poor attempt to correct the situation.

In a related matter, Duhring did a similar open trenching on FR 103 and 103A with no coordination with the Allegheny regarding potential impacts to our system roads and their backfilling was done poorly.

Here is a financial estimate to rectify the problem regarding the unauthorized pipeline:

One load limestone surfacing:	\$600
Back hoe one hour:	\$60
Mobilize:	\$100
Metal const tape or trace wire:	<u>\$50</u>
 Total:	 \$810