



Alan I Wetzel/R9/USDAFS

03/26/2007 09:44 AM

To Charles M Keeports/R9/USDAFS@FSNOTES, Nathan J

Welker/R9/USDAFS@FSNOTES

cc Paul Weese/R9/USDAFS@FSNOTES

bcc

Subject You should see.....

Hi Guys,

Paul Weese and I went into Warrants 2752 and 2245 on Rock Run to check a large OGM proposal for Duhring Resource Company. They were proposing to add on to some OGM they developed and we reviewed on November 15, 2005. This actually goes back to our first review. All my road recommendations were ignored and now they have terrible sedimentation occurring directly into Rock Run as a result of wells and roads to close to Rock Run. They have silt fence across two seeps which act as a detention basin which are failing miserably and spewing silt into Rock Run. One or both of you might want to look at this site and make some recommendations. Paul can expand on this and took a bunch of Photos. Please get involved.

AI

**OGM Review for Threatened, Endangered and Sensitive Species
Project: Duhring Resource Company - 14 wells**

DA Forest Service, Allegheny National Forest, Bradford Ranger District
 Date: July 28, 2006 (Gave verbal clearance to Colleen Kelly & map to Tom Farrell on 11/15/05)
 To: Colleen Kelly - OGM Administrator
 File Code: 2600/2800

Company: Duhring Resources Company

Location:

County: Warren	Township(s): Sheffield	Warrant(s): 2445 (Lot 9)
Access: FR 163 & NS23322	Watershed: South Branch Tionesta Creek – Rock Run	Lot: ---

Please refer to the project map for the well and road locations.

Scope:

14 - wells – 3.5 acre
 6,700 feet of pipeline – 3.1 acres
 ~1.1 miles (5,700 feet) of new road– 3.9 acres
 Total impact – 10.5 acres

Responsibility:

See the project file maps for specific well and road locations. This project is not a federal action. It is on a non-federal mineral lease, but affects National Forest land. It is the responsibility of the mineral owner to comply with the Endangered Species Act on this lease.

Present Condition of Wildlife Habitat

Date of Field Check: 11/14/05

Terrain: sloped along steeper sloped hill, 1860' at well D-14 and 1600' at D-24

Range of slope: almost level to 15%

Aspect: Southeast

Water Resources: Spring seeps scattered along slope between roads and some are connected to Rock Run, South Branch Tionesta Watershed – 0501000302; Rock Creek – HQ-CWF

Key habitats: Winter habitat for Turkey and Deer.

Forest Type: Hemlock, Black cherry, Red maple, Beech

Other: Previous OGM upslope and adjacent to this proposal. Many old road ROW and skid trails are located throughout the project area. Many spring seeps. Game trails present along Rock Run.

TES Species Status, Habitat in the Project, Effects of the Project, Determinations, and Mitigation Measures

Federally Threatened and Endangered (T & E) Species

There is no officially designated critical habitat for any federally listed threatened or endangered species (16 U.S.C. 1532 (50 (A))) on the ANF. Table 1 displays the closest known documentation for T & E species found on the Forest.

Table 1: Documentation of Threatened and Endangered Species

Species	Documented Occurrence
Indiana bat	The closest bat survey location is ~0.375 miles north of the project area. No Indiana bats were found at this location.
Small-whorled Pogonia	No recent documentation
Bald Eagle	Closest nest (Kiasutha) location is ~11.5 miles northeast of the project area. Suitable foraging is ~ 0.5 mile west of the area along the South branch Tionesta Creek.

As described above, it the responsibility of the operator to meet all ESA requirements, and as a result there are no effect determinations made for any T & E species. This operator should contact the U.S. Fish and Wildlife Service in State College, Pennsylvania to ensure they are in compliance with the Endangered Species Act. High potential SWP habitat is present across the site according to the SWP GIS layer. None were found during my site visit but it was not the appropriate time of the year to conduct surveys. Mussel habitat does not exist on or near this project

RFSS Determinations

The project does not provide suitable habitat for 24 of the 26 ANF RFSS listed above. Currently, these 24 species have not been documented (historically) in the project area and suitable habitat (for any of these species) will not be impacted by the project. As a result, a '**no impact**' determination has been reached for these 24 species having no documented individuals or suitable habitat in the project.

RFSS with Occupied or Suitable Unoccupied Habitat in the Project	
Northern Long-eared Bat	'may impact individuals, but is not likely to cause a trend toward federal listing of this species'
Timber Rattlesnake	'may impact individuals, but is not likely to cause a trend toward federal listing of this species'

Conclusions

We can not make a determination for adverse impacts to the Indiana bat or the Small-whorled pogonia based on the lack of federally listed species surveys. This operator should contact the U.S. Fish and Wildlife Service in State College, Pennsylvania to ensure they are in compliance with the Endangered Species Act.

Mitigations - Adverse effects to TES species, wildlife and wildlife habitat can be reduced through implementation of the following mitigation measures:

1. All timber removal should be scheduled to occur between October 1 and April 1.
2. It is recommended that any snags with bark or den trees adjacent to the flagged well sites and ROW's be retained. Bark provides hibernation habitat for a wide variety of bats. If the snags pose a safety hazard, then it is recommended that they be removed.
3. Please notify the Bradford District wildlife biologist if any stick nests are found near or

001772 adjacent to any work locations prior to development.

4. All work should stop immediately if any federally proposed or listed species is found or observed on the project site during the implementation process. The operator should call an ANF Bradford District wildlife biologist to conduct an assessment or recommend further mitigative measures.
5. Except as noted in the above report, use existing roadways, skid trails or travel paths for access to proposed well sites whenever possible. This will minimize disturbance to the hydrologic regime and the canopy.
6. Do not sidecast excavated road materials and avoid accumulating or spreading these materials in upland draws, depressions, intermittent streams, and spring seeps.
7. Equipment must be stored, serviced, and fueled in upland areas away from transport pathways and all aquatic habitats.
8. Any significant change or modification to the reviewed work plan for this site must be reviewed again by the Forest Service biologist to ensure no further mitigative actions are required.
9. Complete all proposed work in a timely fashion to reduce disturbance and displacement to fish and wildlife species.
10. Follow all terms and conditions in regulatory permits and other official project authorizations to eliminate or reduce adverse impacts to endangered, threatened, or sensitive species or their habitats.
11. Recommend that all unnecessary roads be signed, gated, or barricaded (with an earthen barrier) to eliminate unauthorized use. Recommend all 'collector' OGM roads that are currently gated should remain gated to maintain 'vehicle-restricted' foraging habitat for the timber rattlesnake. Recommend gating or signing other 'collector' OGM roads in the general vicinity.
12. Use existing ROW's and disturbed areas where they are available.

Additional Recommendations

1. Prior to project implementation, a sedimentation and erosion control plan meeting state standards should be developed, reviewed and approved by qualified technicians. This plan, with appropriate controls, should be implemented prior to beginning any work. Erosion control barriers should remain in place until the project is completed.
2. Revegetate all disturbed soils with native vegetation as soon as possible to prevent erosion and sedimentation problems.
3. All equipment and vehicles brought into the ANF should be washed to the extent practicable prior to entry onto the ANF road system to prevent the accidental introduction of undesirable or non-native invasive species not normally found on the ANF.
4. Pipeline should be installed in or along road ROW.

Project synopsis:

ITEMS	Wildlife Concerns & Determination	Comments
Wells 10, 11, 12, 14, 15, 17, 18, 24	OK	Existing ROW in mature forest.
Wells 16, 19, 22, 23	See comment	16, 19 and 22 are too close to Rock Run – Move 50' upslope. 19 is too close to spring seep – move 50' northeast to protect seeps and rocks.
Wells 20, 21	See comment	Were not flagged and could not find stakes.
Pipelines	See comment	Bury in roads, ditch-lines or immediately adjacent to roads where possible.
Roads	See comment	See attached map. Use existing ROW's where possible. Old roads are present. Access to 20 & 21 can be lolly popped off old road. Access 16 from west rather than as proposed. Move road between 16, 19, 22, & 23 west and upslope away from Rock Run. Flagged route is less than 100' from Rock Run.



Alan Wetzel
BRD Wildlife Biologist
July 28, 2006

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ER163

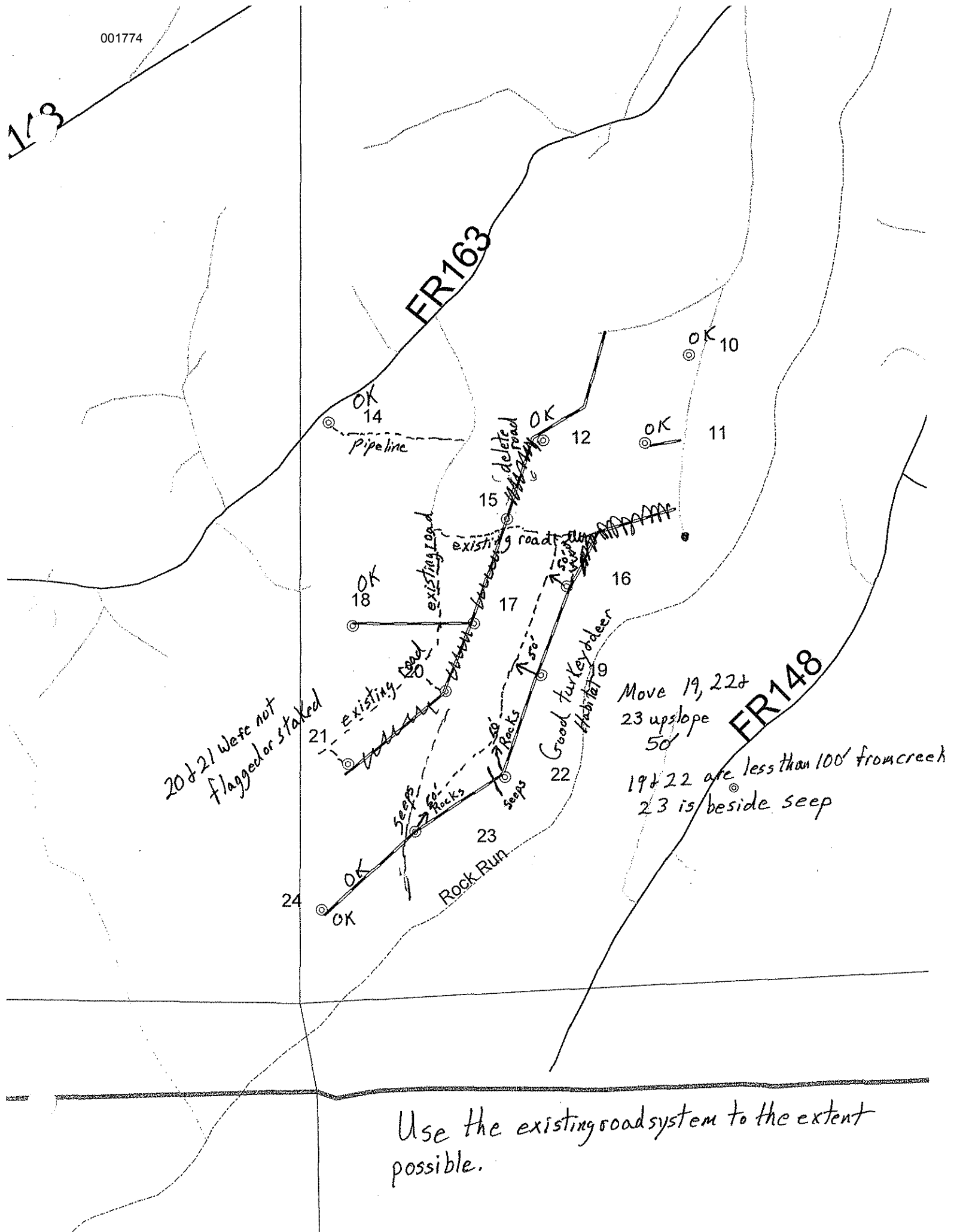
ER148

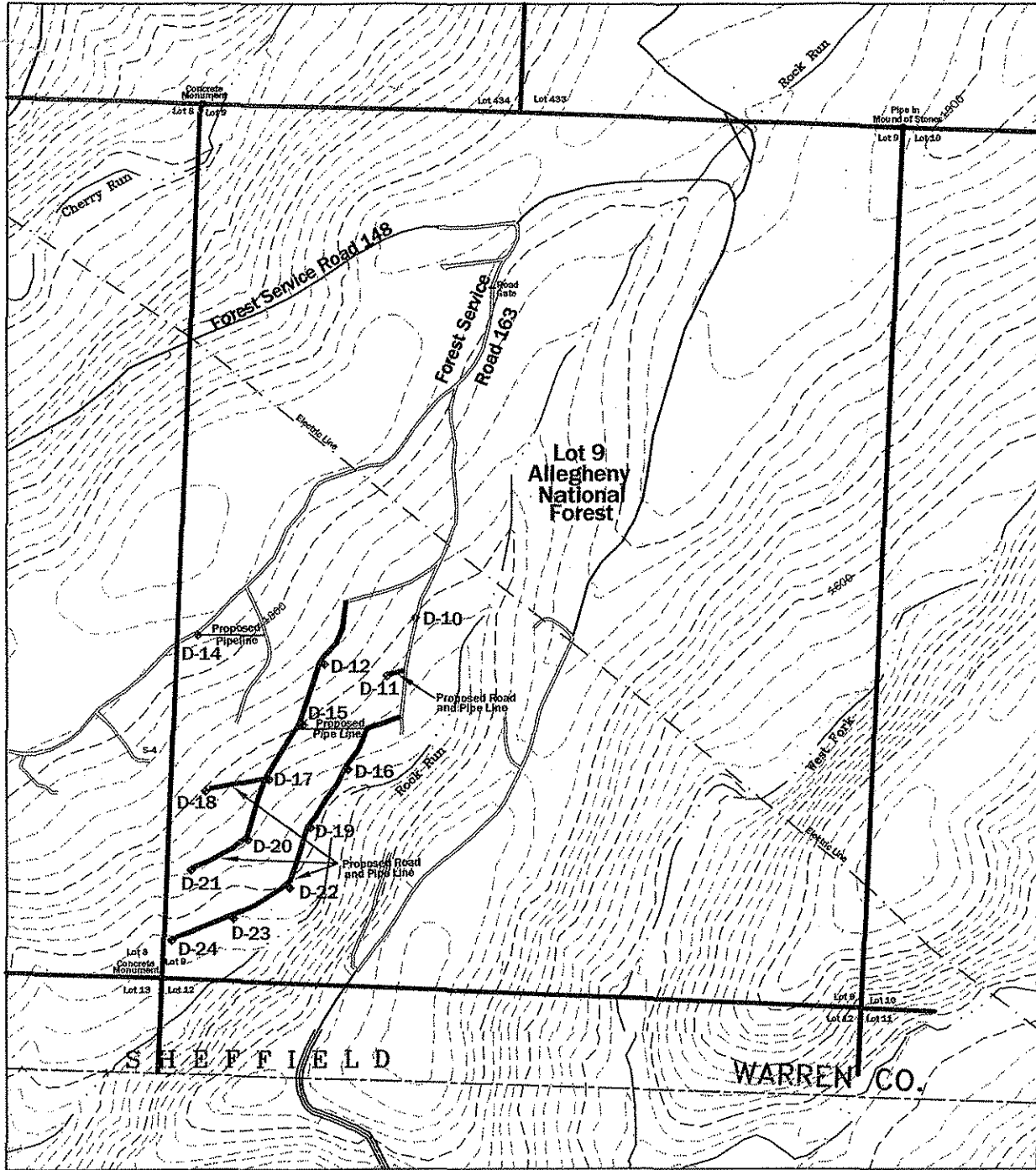
20 & 21 were not
flagged or staked

Move 19, 22 &
23 upslope
50'

19 & 22 are less than 100' from creek
23 is beside seep

Use the existing road system to the extent
possible.





proposed

Note: This is not a property survey. Boundary information was plotted from deeds, and existing property corners were located using GIS grade global positioning. This map is for planning purposes only. Contours and planimetrics were digitized from a USGS Quadrangle.

Scale: 1" = 1000'

Date: 10/04/2005

HAMPSON SURVEYING
4 Harmer Street, Box 14 • Warren, PA 16365
(814)723-1175 • Fax:(814)723-1176
hampson@westpa.net

Exhibit 3 - Site Map
for
Duhring Resource Company
Lot 9
Allegheny National Forest
Sheffield Township, Warren County
Pennsylvania

14 wells DIST 10-17-05

Received 10/17/05

3.5 4.0 3.1 = 10.6
 During Resources Company 14 wells 5,700' road 6,700' pipeline Site Visit
 Sheffield Township Warren County
 Rock Creek HQCF South Branch Tionesta Creek OSO1000302
 Farrell/Kelly W2245
 Comp 309 MA 3.0

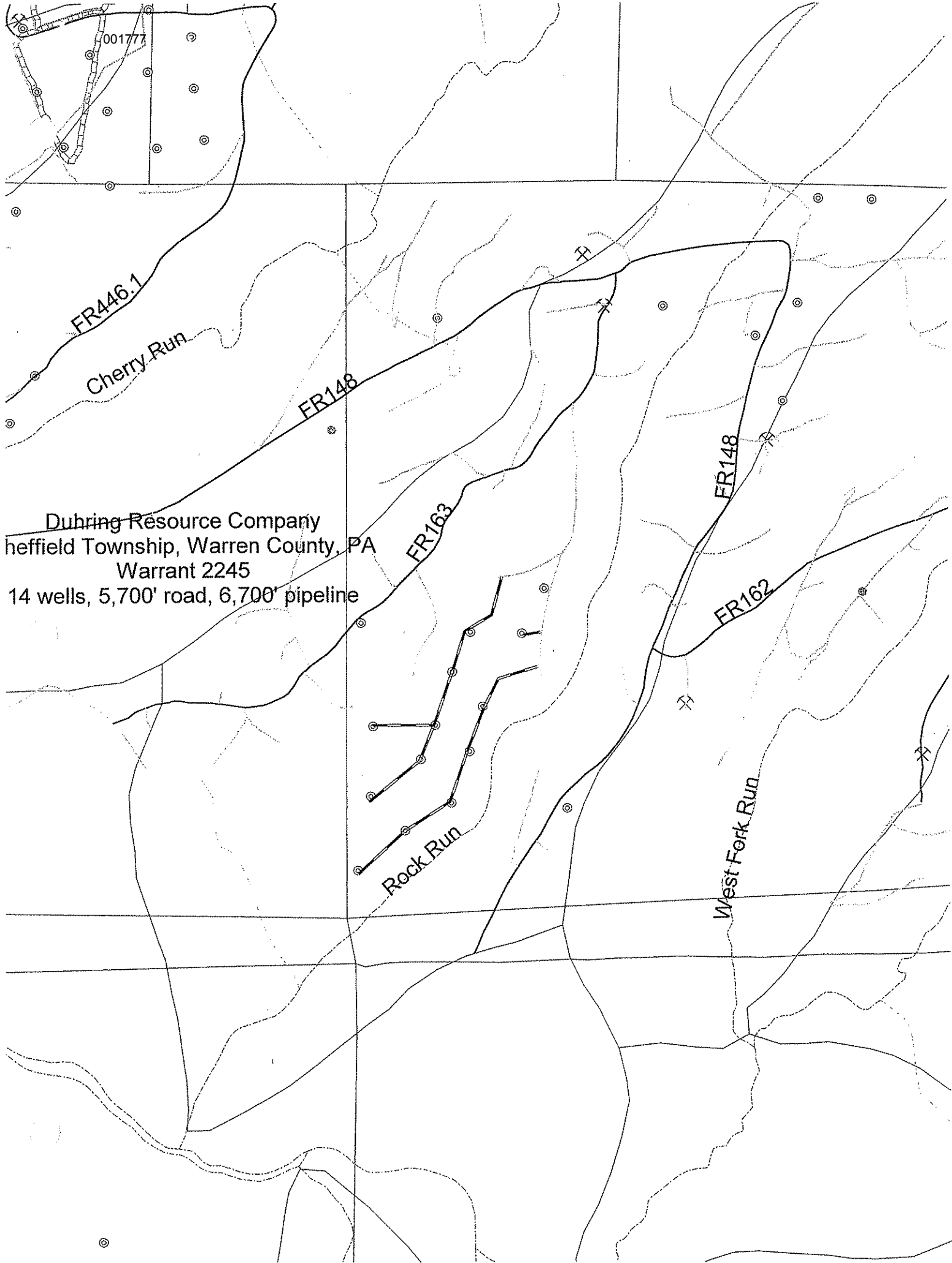
Does Meet SUP Model

Bar Surray	0204	2002	0.5 NW
	0235	2003	0.6 NE E

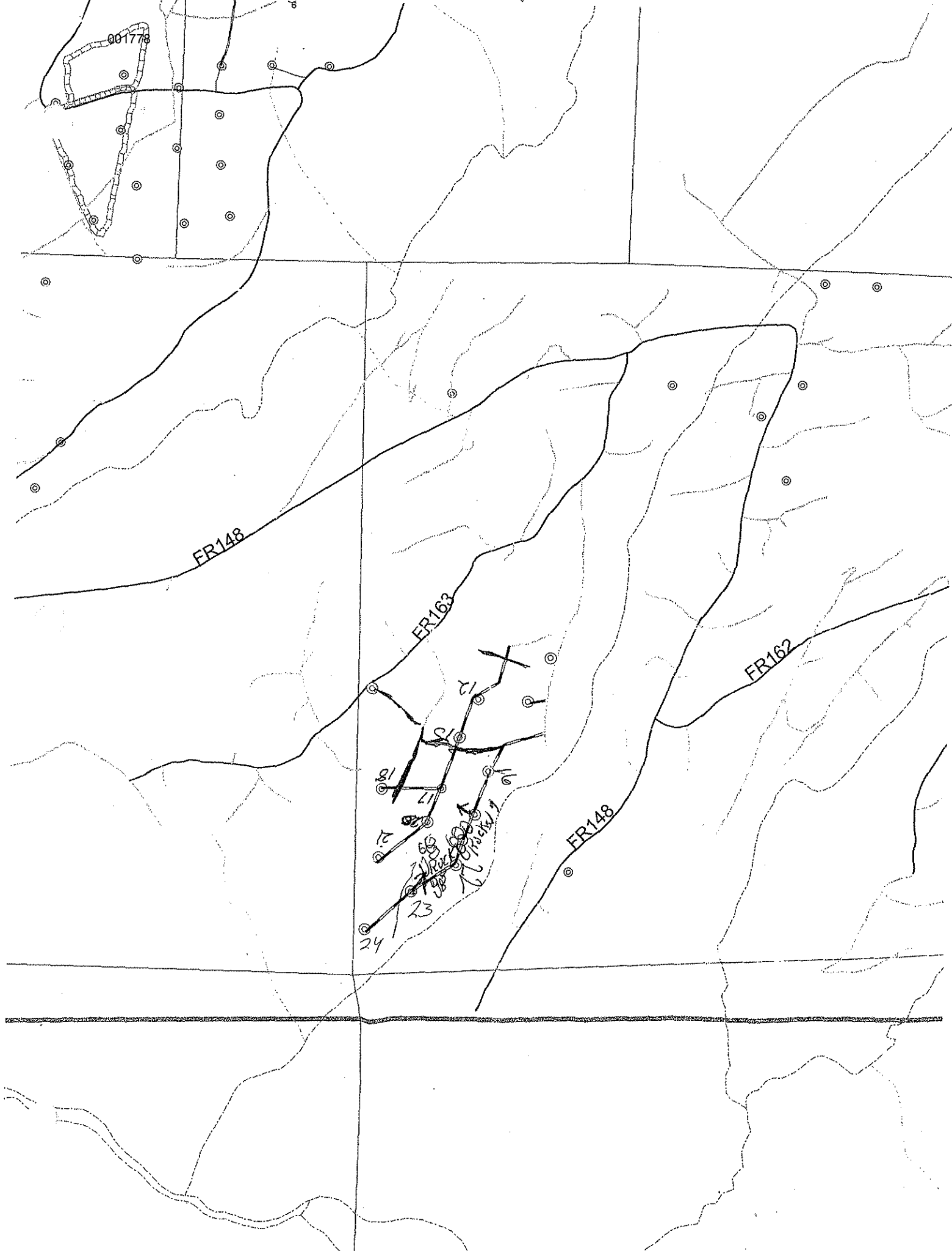
4 pits within 1 mile

Well	elt	Soils
10	CO2	EvD
11	CO2	EvD
12	GS2	CvC
14	PL1	HvB
15	GS2	CvC
16	CO2	EvD
17	CO2	EvD
18	CO2	EvD
19	GS2	CcC
20	CO2	EvD
21	CO2	EvD
22	GS2	CcC
23	GS2	CcC
24	GS2	CcC

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Duhring Resource Company
Jeffersfield Township, Warren County, PA
Warrant 2245
14 wells, 5,700' road, 6,700' pipeline



001778

FR148

FR163

FR162

FR148

21
22
23
24
Handwritten notes and symbols