



United States  
Department of  
Agriculture

Forest  
Service

Allegheny National Forest  
Marienville Ranger District

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Marienville, PA 16239  
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File Code: 2830

Date: March 27, 2009

Arthur Stewart  
Duhring Resource Company  
203 Center Street  
PO Box 726  
Sheffield, PA 16347

Dear Mr. Stewart,

In response to your letter of March 20, 2009, I must respectfully disagree that I overlooked your November 20, 2007 and December 17, 2007 letters, or that I am playing word games, as you put it.

At no time in our communication have you indicated a willingness to incur the necessary costs associated with a NEPA analysis and documentation of your proposed stone pit development on Warrant 3672 (see my December 6, 2007 letter). In addition, Forest Supervisor Leanne Marten's letter of March 28, 2008 to all Oil, Gas and Minerals Operators on the Allegheny National Forest, states that disposal of mineral materials will follow 36 CFR 228, Subpart C and FSM 2850.

Mr. Stewart, Duhring Resources was issued a Notice to Proceed on May 8, 2008 for its proposal to develop OGM Case 595 on Warrant 3672. For the reasons noted above, your Notice to Proceed did not make stone available to you from the Allegheny National Forest. You are encouraged to seek a private source for this road surfacing material. If, in hauling material to Warrant 3672, you should need to utilize Forest Service roads, please notify me in a timely manner so we can prepare a Commercial Road Use Permit (RUP) and a bill for collection. If a RUP is necessary, do not proceed with haul until you have paid for and received an approved permit.

As always, I stand ready to work with you on issues related to access to your subsurface ownership, provided they are not subject to ongoing litigation.

Sincerely,

*/s/ Robert T. Fallon*  
ROBERT T. FALLON  
District Ranger

