



Lauren Miles/R9/USDAFS
10/25/2007 01:34 PM

To Rob T Fallon/R9/USDAFS@FSNOTES
cc Paul Weese/R9/USDAFS@FSNOTES, Jeff Yurchick/R9/USDAFS@FSNOTES, Hunter F McClelland/R9/USDAFS@FSNOTES, Dave Lombardo/R9/USDAFS@FSNOTES, David Cotterman/R9/USDAFS@FSNOTES

bcc

Subject Re: Duhring

Rob, I talked with Mr. Steward and he would prefer you send him a letter covering the items below. He would then approach the DEP to ask for an extension. I came up with the following time frame as a best guess and talking with only one specialist. Marking-Should be done by 10/26, Timber sale/Road Use/Pit plan should be done by 11/16. According to Jeff we have enough pit information for 403 that we need no further testing. All we need to do is designate the area, mark the timber, etc. So we should have everything ready to go by the 11/16 if all goes well. He may be interested in pit development in his warrant, but would like you to provide the time frames in writing. They want to review the options of using on the pit on his warrant, only the 403 pit, or doing both.



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Phone: 814-927-5737
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Rob T Fallon/R9/USDAFS



Rob T Fallon/R9/USDAFS
10/25/2007 12:30 AM

To Lauren Miles/R9/USDAFS@FSNOTES

cc

Subject Duhring

Lauren, You may notify Mr. Stewart that we will, under no circumstances, pay for hauling costs to move stone from the FR 403 pit to his proposed lot development. I extended his request to Forest Supervisor Morse, who rejected the request.

As previously discussed, we will make an area 0.8-acre in size available to him in the FR 403 pit for excavation and removal of stone. Development of this pit was approved in the Spring Creek decision. Development of the FR 403 pit will require testing, potential tree removal, and preparation of a pit development plan. This material would be available to him as soon as the timber contract and road use permits are prepared, awarded and payment received. Please estimate a time frame and delivery date and notify Mr. Stewart of what he can expect from us. If he would like us to contact DEP in support of an extension of his deadline for plugging the designated wells, we can do so - although I cannot say for certain it will have any effect.

Re: Development of a stone pit on his lot. The Spring Creek decision considered this and rejected it. I will

reconsider this development, but it will require NEPA analysis, public involvement, and a decision - particularly since the previous rejection of this kind of development at this site has already been through this process. Based on your exploration, it appears there is a viable stone source on the site. You will need to inform me if a timber sale would be required to develop this source. If so, the NEPA process may take up to 150 days (15 days from notification by Mr. Stewart to prepare pit development plan and project proposal, mandatory 30-day official comment period, 15 days to prepare final decision document - assuming no significant issues, 45-day appeal period following publishing of decision, and 45-day appeal resolution period should an appeal be filed). If a timber sale is not needed, this will reduce the preparation and approval time to approximately 45-60 days, depending on public comment. Both scenarios assume a categorical exclusion (Earth Island category requiring official comment and appeal periods for the timber sale, No appeal period if timber sale is not needed) with no extraordinary circumstances. Since the original decision rejecting this location as a stone source was documented in an EIS and Record of Decision; it is possible that public comment may identify the type of documentation to reverse this decision as a significant issue.

You may also notify Mr. Stewart of Ran Cartwright's request to secure three tripods from the Duhring Lease.

You may notify Mr. Stewart by phone of this information, and further inform him that I will be following up with written notification early next week. If he has questions, you can give him my cell phone number to contact me any time. See following email for my schedule the next 5 days.

Be sure to document your conversations with Mr. Stewart. Rob.

Rob Fallon
rfallon@fs.fed.us

District Ranger
Marienville Ranger District
Allegheny National Forest
Star Route 2, Box 130
Marienville, PA 16239

814-927-5799
603-393-8769 (cell)
814-927-2285 (fax)



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To Lauren Miles/R9/USDAFS@FSNOTES

10/25/2007 12:30 AM

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See 10/26/07
11/9

Time frame Marking 10/26, Timbersale/Reuse 11/9

Re: Development of a stone pit on his lot. The Spring Creek decision considered this and rejected it. I will reconsider this development, but it will require NEPA analysis, public involvement, and a decision - particularly since the previous rejection of this kind of development at this site has already been through this process. Based on your exploration, it appears there is a viable stone source on the site. You will need to inform me if a timber sale would be required to develop this source. If so, the NEPA process may take up to 150 days (15 days from notification by Mr. Stewart to prepare pit development plan and project proposal, mandatory 30-day official comment period, 15 days to prepare final decision document - assuming no significant issues, 45-day appeal period following publishing of decision, and 45-day appeal resolution period should an appeal be filed). If a timber sale is not needed, this will reduce the preparation and approval time to approximately 45-60 days, depending on public comment. Both scenarios assume a categorical exclusion (Earth Island category requiring official comment and appeal periods for the timber sale, No appeal period if timber sale is not needed) with no extraordinary circumstances. Since the original decision rejecting this location as a stone source was documented in an EIS and Record of Decision; it is possible that public comment may identify the type of documentation to reverse this decision as a significant issue.

will need a request

11/16

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Rob Fallon
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District Ranger
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Timber sale or declaring

814-927-5799