



United States  
Department of  
Agriculture

Forest  
Service

Allegheny National Forest  
Bradford Ranger District

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File Code: 2830-2/7720-1

Date: March 3, 2009

Arthur Stewart  
Duhring Resource Co.  
PO Box 726  
Sheffield, PA 16347

Dear Mr. Stewart,

This is in response to your February 17, 2009, letter regarding activities in Lot 8, Lot 9 and 434, and your February 26, 2009, letter regarding road permits. Specific responses to your letters follow:

**ROAD PERMIT (Lot 8, OGM Case B-028, Wells #79, #86, #87, #88 and #89; Lot 9, OGM Case B-029, Wells #35, #36, #37, #41; and Lot 434, OGM Case B-041, Wells #7-11):**

The calculations used for the above referenced areas will be done pursuant to the Allegheny National Forest Supplement to Forest Service Manual 7732 approved on June 22, 2007. The data and assumptions used will be included in the road use permit sent for signature and respective bill for collection.

#### **2009 ROAD USE PERMIT and BILL FOR COLLECTION**

The 2009 road use permits for signature and their respective bill for collection were recently mailed. We did not have the information provided in your February 26, 2009, letter at the time of the mailing. I appreciate your sending of this information and have asked my staff to re-do your permit and bill with this information included. The new permit for signature and bill of collection will be mailed this week. Please note that the information you provided in your November 26, 2008 and January 28, 2009, letters was used as part of the calculations. If you still have questions or concerns, after receiving this information, please let me know and I would be happy to meet with you to explain the calculations and how the provided information was utilized.

Please keep in mind that the 2009 permits and bills you have been mailed are renewal of existing permits and not related to new road use permits needed in conjunction with new wells. These permits will need to be signed and paid for to ensure continued use of roads for haulage.

In both your letters, you have restated your concerns regarding maintenance fees when we (the ANF) haul timber over roads you are currently maintaining. As we have previously discussed, our intent is to have designated timber haul routes on Forest Service system roads only. Should a timber purchaser choose to pursue an alternate route, they have been notified that they must work with the respective operator to ensure access to private mineral rights is not impeded. In cases where we may be impacting roads you currently maintain, we will continue to work with you



and your employees. My understanding, based on previous discussions and correspondence (i.e. June 5, 2008, letter on Cherry Run Timber Harvest) is that our employees should work things out on the ground and should an agreement not be reached, you and I will meet and discuss. If this is inaccurate, please let me know.

**LOT 8 WELL LOCATIONS (OGM Case B-028, Wells #79, #86, #87, #88 and #89):**

Per your request I will be separating the approval process for Wells #79, 87, 88, and 89 from Well #86. The information for Wells #79, 87, 88, and 89 will be forwarded to our Regional Office for review pursuant to direction contained in the January 16, 2009, memo from Regional Forester Kent Connaughton and forwarded from Forest Supervisor Leanne Marten.

Specific to Well #86, as I previously mentioned in my February 10, 2009 memo, the appropriate level of environmental analysis must be completed on the proposed relocation of the North Country Trail, as well as coordination with the local chapter of the North Country Trail and other interested members of the public. This will take additional time and could result in a decision to not relocate the trail. I will keep you apprised as that process proceeds.

**Timber (Lot 9, OGM Case B-029, Wells #35, #36, #37, #41)**

As referenced in your memo and stated in my February 10, 2009, letter, pursuant to Forest Service Manual 2430 and 2464, the Forest Service has determined that timber harvest and removal by commercial sale would not be used. A commercial timber sale is used to implement our overall timber program on the Forest in accordance with goals and objectives in the Allegheny National Forest Land and Resource Management Plan (Forest Plan). The timber associated with the above referenced OGM cases is not planned for management as part of our regular timber sale program. Furthermore, it would not meet the required time limits you have established due to such things as the length of time to process a package, length of time needed to complete the bid process, and length of time for a purchaser to actually implement the activity on the ground (several years).

For these reasons, the Forest Service's timber settlement procedures, and not commercial sale procedures, will be followed. Timber settlement procedures provide either purchase of the timber or the cutting, skidding, and decking of timber by Duhring. You have clearly stated that Duhring does not intend to purchase the timber. Thus, the other option would be for Duhring to execute a cut, skid, and deck agreement. I note that Duhring has availed itself of the latter option in dealing with the Forest Service in the recent past. Further information on these options and explanations has been submitted to you by the Forest Supervisor in memos dated March 12, March 26, and April 12, 2008.

To state that we have been unwilling to meet and discuss this matter is inaccurate. We have not only met on this in the past, but there has also been numerous letters received and returned outlining our determination and options for timber removal on National Forest System lands. Please refer to memos sent to you by Forest Supervisor Marten dated February 22, March 12, April 4, April 10, and April 21, 2008, for examples of such correspondence and information responding to other options you have brought forward for our consideration.

If you would still like to meet to discuss the two options stated above, and outlined in previous letters, specific to Lot 9 timber removal, please let me know. I have visited with Forest Supervisor Marten and she is willing to meet with you as well; however, please note that the options remain to either work together to execute a cut, skid, and deck agreement or the purchase of the timber by Duhring.

Per your request the information for Lot 9 timber will be forwarded shortly.

Sincerely,

*/s/ Anthony V. Scardina*  
ANTHONY V. SCARDINA  
District Ranger