



United States
Department of
Agriculture

Forest
Service

Allegheny National Forest
Supervisor's Office

222 Liberty Street
PO Box 847
Warren, PA 16365
(814) 723-5180
FAX (814) 726-1465

File Code: 6270-1

Date: September 28, 2007

Arthur Stewart
203 Center Street
Sheffield, PA 16347

Dear Mr. Stewart:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated 8/31/07, received at the Marienville Ranger District on 8/31/07. Your FOIA request was FAXed to the Supervisor's Office on 9/14/07. Your request has been assigned a number, ANF-07-23, and your contact is Mary Hosmer who can be reached at (814) 728-6141. In your request, you asked for:

1. "All documents bearing in any way upon any archaeological, heritage or historical analysis performed by the Allegheny National Forest or any party employed thereby, concerning any oil and gas development project engaged in by Duhring Resource Company during the time period between January 1, 1992 and the date of this request. As used herein..."
2. All documents bearing in any way upon any wildlife or biological analysis performed by the Allegheny National Forest or any party employed thereby, concerning any oil and gas development project engaged in by Duhring Resource Company during the time period between January 1, 1992 and the date of this request. As used herein...
3. All documents bearing in any way upon any archaeological, heritage or historical analysis performed by the Allegheny National Forest or any party employed thereby, concerning any oil and gas development project engaged in by Azco Oil Company or Azco Operating Company during the time period between January 1, 1992 and the date of this request. As used herein...
4. All documents bearing in any way upon any wildlife or biological analysis performed by the Allegheny National Forest or any party employed thereby, concerning any oil and gas development project engaged in by Azco Oil Company or Azco Operating Company during the time period between January 1, 1992 and the date of this request. As used herein...
5. All documents bearing in any way upon any survey or other boundary line analysis performed by the Allegheny National Forest or any party employed thereby, during the time period January 1, 1992 and the date of this request concerning oil and gas development by either Azco or Duhring Resource Company upon the lands of the Allegheny National Forest or lands adjacent thereto.
6. All documents including, but not limited to, Categorical Exclusion, Environmental Assessments, Records of Decision, other NEPa analysis, or similar analysis



performed at any time by the Allegheny National Forest or any party employed thereby, concerning stone removal from any pit or other area location within a five mile radius of the intersection of Straight Run and Forest Road 131 (located upon Warrant 3672 in Forest County). The term "analysis"...

7. All documents relating to each and every pit or other area located within the aforesaid five mile radius area from which stone has been removed, concerning the amount of stone that has been removed from said individual pit or location. This request is intended to include any document summarizing, analyzing, or relating to the Allegheny National Forest's level or rate of compliance with policies, regulations or laws concerning stone removal in general, and in particular whether the removal of stone from any individual pit or pits within that five mile radius area is in compliance or out of compliance with those policies, regulations or laws.
8. The policies, laws or regulations which require the "analysis" declared by Robert Fallon on page 2 of the above referenced letter of August 22, 2007.
9. All documents related to charges, if any, imposed by the Allegheny National Forest for stone removed from each and every pit or other area located within the aforesaid five mile radius area, where stone has been removed, during the time frame between January 1, 1992 and August 31, 2007."

Although you stated that you are willing to review the responsive records we may have and then duplicate the ones you want, you have not addressed the search and review fees. In accordance with Title 7 Code of Federal (CFR) Subtitle A, Part 1, Subpart A, Appendix A, we are required to collect fees for search, review and any records you would duplicate.

Your request, as written, is extremely broad. For example, the forest has an estimated 70 pits within the 5-mile radius you identified. We recently completed a similar search for another oil and gas company in another part of the forest which resulted in an average of 86 pages of documents per pit, \$83 of search fees per pit, and \$35 of review fees per pit. Therefore, the estimated 70 pits within the area you identified could generate \$8,260 in search and review fees. Agencies may charge for search time even if they fail to locate any records responsive to the request or even if the records located are subsequently not provided to the requester. You may wish to narrow the scope of your request.

In narrowing the scope, it is important for you to identify with reasonable specificity, the records you seek. Identifying specific records or a shorter time-frame or specific dates, will help to narrow the scope of your request. Please be aware that the cost to you of such a search and review is based on the standards at Title 7 CFR, Subpart A, Part 1, Subpart A, Appendix A. Generally the cost for a manual search and review is the employees' hourly 'cost to government'. Your request, as now structured, could generate search and review costs that would exceed \$8,000. FOIA allows for an advance payment if fees are greater than \$250.00.

Please keep in mind that this \$8,000 is a preliminary, good-faith estimate; actual costs cannot be determined until the documents are reviewed to determine responsiveness to your request.

You can request a fee waiver (see CFR, Subtitle A, Part 1, Subpart A, Appendix A). A waiver of fees involves the expenditure of public funds; therefore, we are required to evaluate each FOIA

request individually to determine the appropriateness of charging fees or granting a fee waiver. If you wish to request a fee waiver, please provide information in response to each of the six fee waiver criteria factors enclosed. A determination will then be made regarding a waiver of fees for your request.

In the event you do not wish a fee waiver, or your request for a fee waiver is not granted, please indicate your willingness to pay the above fees. When we have your response, we will begin processing your request. If we do not hear from you by October 29, 2007, we will assume that you do not wish to receive these documents and will consider this request closed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kathleen Morse".

KATHLEEN S. MORSE
Forest Supervisor

Enclosure