



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 19, 2007

Arthur J. Stewart
Duhring Resources
203 Center Street
Sheffield, PA 16347

Dear Mr. Stewart:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated 8/22/07, received on 8/22/07. Your request has been assigned a number, ANF-07-22. Your contact is our FOIA Coordinator Mary Hosmer, (814) 728-6141. In your request, you asked for:

1. **All... pit plans bearing in any way upon the methodology for removing stone from stone pits or other locations upon the Allegheny National Forest, and prepared by the Allegheny National Forest from January 1, 2000 through the date of this request.**
2. **All study reports, summary results, correspondence, and official staff e-mail correspondence regarding the plans referenced in paragraph 1.**
3. **All administrative memoranda concerning the plans referenced in paragraph 1.**
4. **All Categorical Exclusion, Environmental Impact Statements, Environmental Assessments, Record of Decision, and other documents prepared pursuant to NEPA, other applicable law or Forest Service policy or procedure and related to the stone pits or other locations from which stone has been removed by the Allegheny National Forest or its contractors from January 1, 2000. *(Note the documents requested pursuant to this paragraph may likely have been prepared prior to January 1, 2000. The January 1, 2000 date is used only to identify the pits to which the request relates. The document request pertains to pits utilized by the Allegheny National Forest or its contractors on or after January 1, 2000. The documents requested under this paragraph are not limited by any time frame.)***
5. **All... pit plans, bearing in any way upon the methodology for removing stone from stone pits or other locations upon the Allegheny National Forest, and prepared by persons or entities removing oil or gas on or under the Allegheny National Forest, and prepared by persons or entities removing oil or gas on or under the Allegheny National Forest from January 1, 2000 through the date of this request.**



6. All study reports, summary results, correspondence, and official staff e-mail correspondence regarding the plans referenced in paragraph 5.
7. All administrative memoranda concerning the plans referenced in paragraph 5.
8. All Categorical Exclusion, Environmental Impact Statements, Environmental Assessments, Record of Decision, and other documents prepared pursuant to NEPA, other applicable law or Forest Service policy or procedure and related to the stone pits or other locations from which stone has been removed by the aforesaid oil or gas operators from January 1, 2000. *(Note, the documents requested pursuant to this paragraph may likely have been prepared prior to January 1, 2000. The January 1, 2000 date is used only to identify the pits to which the request relates. The document request pertains to pits utilized by oil or gas operators on or after January 1, 2000. The documents requested under this paragraph are not limited by any time frame.)*
9. ...all correspondence, memoranda, study reports, official staff e-mail correspondence, or other documents, relating to the identity of the agency, company or person who or which initially opened the pit via the first removal of stone therefrom.
10. ...all correspondence, memoranda, study reports, official staff e-mail correspondence, or other documents, relating to any charges imposed by the Allegheny National Forest for any stone removed therefrom.

Even though you stated 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 duplication of records. The records you seek could potentially exist across three offices and could constitute thousands of pages. Search time alone could exceed 300 hours. Review time could exceed 80 hours.

Your request, as written, is extremely broad. For example, the forest has over 500 pits opened prior to 2000, some with multiple pit plans, hence there could easily be over a 1,000 files for oil and gas projects. Other resource project files using stone and covered under NEPA analysis would be in addition to the potential 1,000 oil and gas files. 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'. You could anticipate search and review costs that would exceed \$15,000. FOIA allows for an advance payment if fees are greater than \$250.00.

Please keep in mind that this \$15,000 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 20, 2007, we will assume that you do not wish to receive these documents and will consider this request closed.

Sincerely,

/s/ Katherine P. Frank (for)
KATHLEEN S. MORSE
Forest Supervisor