



United States  
Department of  
Agriculture

Forest  
Service

Allegheny National Forest  
Marienville Ranger District

131 Smokey Lane  
Marienville, PA 16239  
(814) 927-6628  
FAX (814) 927-2285

File Code: 7720-1

Date: February 19, 2009

Arthur Stewart  
Duhring Resources  
203 Center Street  
P.O. Box 726  
Sheffield, PA 16347

Dear Mr. Stewart,

Enclosed you will find two unsigned copies of a Commercial Road Use Permit (RUP) and a bill for collection to cover your 2009 estimated haulage on National Forest System (NFS) roads. To continue hauling on NFS roads in 2009, you will need to sign both copies of the permit and pay the bill by March 25, 2009. Please return the signed permits to Hunter McClelland at the Marienville office.

Commercial road use permits are required pursuant to the National Forest Roads and Trails Act, 16 U.S.C. 537 and 36 CFR Part 212, Subpart A, as amended. The process and rates used to calculate your annual estimated bill for haul on NFS roads may be found in Forest Service Manual 7700 (Transportation System), Chapter 7732.22 (Maintenance by Commercial Users), Allegheny National Forest (ANF) supplement (dated June 22, 2007).

To facilitate an accurate billing for your annual haulage on NFS roads, we encourage you to provide either, 1) your haulage figures for 2008 as a starting point, or 2) your estimated haulage figures for 2009. In either case, at the end of Calendar Year 2009, you should submit your actual haulage figures for the year, and we will adjust your billing accordingly.

All bills are calculated using the June 22, 2007 ANF supplement. If we have received either past or estimated haulage figures from you, your estimated bill for 2009 is based on the information you have provided. If you have not provided either past or estimated haulage figures to the ANF, then your estimated bill is based upon the following information.

1. The number and location of your wells that are currently known to exist on National Forest surface and which, based on their location or on the location of the tank battery(s) they supply, require access via NFS roads;
2. The number and location of your wells that are currently known to exist on lands other than National Forest surface and which, based on their location or on the location of the tank battery(s) they supply, require access via NFS roads;
3. The assumption that each of these known well and tank batteries are still operational;



well and tank battery locations on the Allegheny National Forest surface. We may determine, during this process, that you have additional wells and/or tank batteries that utilize NFS roads. Future bills will reflect any additional wells and/or tank batteries.

This Commercial Road Use Permit and estimated bill are for your annual operations only. It does not reflect new well and tank batteries that you may develop during 2009. For new wells and tank batteries, you must continue to apply and pay for a permit for each proposed development prior to implementation.

If you have any questions regarding calculations or the process for determining the estimated bill, please contact Hunter McClelland, our District RUP Coordinator, at 814-927-5732. For any other questions regarding the Commercial Road Use Permits, you may contact me at 814-927-5799.

Sincerely,

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



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All bills are calculated using the June 22, 2007 ANF supplement. If we have received either past or estimated haulage figures from you, your estimated bill for 2009 is based on the information you have provided. If you have not provided either past or estimated haulage figures to the ANF, then your estimated bill is based upon the following information.

1. The number and location of your wells that are currently known to exist on National Forest surface and which, based on their location or on the location of the tank battery(s) they supply, require access via NFS roads;
2. The number and location of your wells that are currently known to exist on lands other than National Forest surface and which, based on their location or on the location of the tank battery(s) they supply, require access via NFS roads;
3. The assumption that each of these known well and tank batteries are still operational;



4. The assumption that each well will produce one barrel of oil per each day of the year (see Exhibit 1 Maintenance Rates Forest Service Manual 7700, Chapter 7732.22, ANF supplement June 22, 2007);
5. To minimize your processing fee, we are consolidating all of your known existing wells and tank batteries into one annual operating permit.

Note that the charged maintenance rates used to calculate your estimated bill account for the road standard of the haul route, with different rates based on pit run or crushed aggregate surfacing.

Please Note the Following:

- Both copies of the enclosed Commercial Road Use Permit must be signed (where noted) and returned to the Marienville District office, no later than March 25, 2009.
- The enclosed bill for collection for your estimated haulage in 2009 must be paid no later than March 25, 2009 (follow the enclosed instructions for making payment).
- If you choose to dispute the estimated bill, you must provide your 2008 haulage figures (as the only acceptable basis for recalculating your bill) no later than March 11, 2009. If there are grounds for recalculating your haulage estimate, a new bill for collection will be mailed to you no later than March 18, and payment must be received no later than April 2, 2009.
- Your approved Commercial Road Use Permit will be mailed to you no later than one week after receipt of your signed copies and payment.
- This letter authorizes your company and your operators to utilize NFS roads for commercial haulage of oil and brine until April 8, 2009.
- Following April 8, 2009, if you do not have an approved Commercial Road Use Permit, you will no longer have authorization to operate your commercial vehicles on NFS roads.
  - Failure to return the signed permit and pay your estimated bill by the dates listed will put you and your operators in violation of 36 CFR 212 should you choose to continue hauling oil and brine on NFS roads. Your drivers run the risk of being stopped and cited by Federal Law Enforcement Officers should they operate commercial vehicles on NFS roads without an approved permit.

For future years, you will be required to submit, no later than December 1, an application for an annual Commercial Road Use Permit for oil and brine haulage on NFS roads during the upcoming year. The ANF will not process new annual operating permits without an application that includes your estimated haulage figures.

If you have any additional wells and/or tank batteries (beyond what is listed in your permit) that utilize NFS roads, please include this information in your response. We continue to inventory

well and tank battery locations on the Allegheny National Forest surface. We may determine, during this process, that you have additional wells and/or tank batteries that utilize NFS roads. Future bills will reflect any additional wells and/or tank batteries.

This Commercial Road Use Permit and estimated bill are for your annual operations only. It does not reflect new well and tank batteries that you may develop during 2009. For new wells and tank batteries, you must continue to apply and pay for a permit for each proposed development prior to implementation.

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