

# Allegheny National Forest

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*Oil, Gas, and Minerals (OGM) Program*

# Meeting Outline

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- Safety Message
- Introductions
- Ground Rules
- Presentation
- Question and Answer Period
- Meeting Adjourned

# Ground Rules

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- ❑ **HONOR TIME:** We have an ambitious agenda. In order to meet our goals it will be important to follow the time guidelines given by the facilitator.
- ❑ **APPROPRIATE BEHAVIOR REQUIRED, USE COMMON CONVERSATIONAL COURTESY:** Be respectful of all meeting attendees. Don't interrupt; use appropriate language, no third party discussions, etc. Personal attacks on other meeting attendees and other related behavior are unproductive, inappropriate, and will not be tolerated.

# Ground Rules

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- ▣ **ALL IDEAS AND POINTS OF VIEW HAVE VALUE:** You may hear something you do not agree with or you think is "wrong." All ideas have value in this setting. Simply listen, you do not have to agree.
- ▣ **YOU DON'T HAVE TO ANSWER IF YOU DON'T WANT TO:** You are not required to defend your ideas nor agree or disagree with others.

# Ground Rules

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- ❑ **BE COMFORTABLE:** Please feel free to take breaks as needed. If you have other needs, please let the facilitator know.
- ❑ **PLEASE TURN OFF YOUR CELL PHONES AND PAGERS!!!**

# Presentation Overview

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- ***Forest Service Employees for Environmental Ethics (FSEEE), Sierra Club, and Allegheny Defense Project v. Forest Service Settlement Agreement***
- ANF OGM Program Implementation
- ANF Forest Plan Supplemental Environmental Impact Statement (SEIS)

# FSEEE v Forest Service

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- ❑ Lawsuit was filed in Nov. 2008 and challenged the issuance of Notices to Proceed for development of privately owned oil and gas resources within the ANF without the preparation of environmental analyses under the National Environmental Policy Act (NEPA) of 1969.
- ❑ Generally, this law and its procedures mandate public involvement; consideration of alternatives; an analysis of the environmental, social, and economic effects of these alternatives; and public disclosure of all relevant information.

# FSEEE v. Forest Service Settlement

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- On April 9, 2009, FSEEE et al. and the Forest Service filed a stipulation of dismissal of the pending lawsuit, along with a settlement agreement with the U.S. District Court for the Western District of Pennsylvania.
- The settlement includes the processing of 54 pending oil and gas proposals for a total of 588 wells, 2 pipelines, and 1 seismic line following past procedures (includes 22 companies).
- Any other pending or future proposals will be processed after the appropriate level of environmental analysis via NEPA.



# Presentation Overview

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- *Forest Service Employees for Environmental Ethics (FSEEE), Sierra Club, and Allegheny Defense Project v. Forest Service Settlement Agreement*
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54 packages that do not require NEPA



**ANF OGM Program  
Implementation**



Pending & future proposals that require NEPA

**Processing:**

- Environmental reviews for biological, heritage, and recreational resources.
- Issues/concerns will be worked out with the operator to mitigate impacts to surface resources.
- Once agreement is reached and any payments for timber and road use are received, a Notice to Proceed will be issued.
- No longer subject to Regional Review Process.

- The Forest Service will be initiating a forest-wide site-specific environmental analysis, which will include proposals from OGM owners to be implemented between 2010 and December 31, 2013.
- A Notice of Intent (NOI) to prepare a forest-wide environmental impact statement (EIS) on these proposals will be published on June 1, 2009.
- It is estimated that it will take until mid-April, 2010, to issue a final decision for the project. This decision will then be subject to a 45-day appeal period required by the Appeals Reform Act of 1992.

54 packages that do not require NEPA



**What actions have we taken?**



Pending & future proposals that require NEPA

- Resources and personnel on the ANF have been diverted to expedite the processing of these packages, and it is estimated that all Notices to Proceed will be issued before May 31, 2009, unless there are unresolved disputes or an operator chooses not to proceed.

- Letters have been sent to the companies that have proposals included in the 54 packages.

- An interdisciplinary team of Forest Service specialists has been formed for the EIS and has started working on development of the proposed action.

- We have hired additional personnel and will soon bid-out contracts to conduct the appropriate level of field surveys needed to analyze environmental, social, and economic effects.

- We have started development of the the NOI to prepare an environmental impact statement.

# What will be in the NOI?

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- The NOI includes the No-action alternative, Purpose and Need for the project, and Proposed Action to meet the purpose and need.
- The No-action alternative for this project, as required by NEPA, is no further development of privately owned minerals.
  - Since this alternative would be considered a taking of private property rights and is not a legal option, it will only serve as a baseline for comparing the environmental, social, and economic effects of other alternatives considered.

# What will be in the NOI?

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- The proposed action will include:
  - Proposals already received by the Forest Service that were not identified to move forward without NEPA via the settlement, unless an operator chooses to remove the package from the process.
  - The Forest Service is requesting additional proposals by May 8, 2009, for oil and gas development of privately owned minerals that will be implemented between 2010 and December 31, 2013. These proposals will also be added to the proposed action.

# Presentation Overview

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- *Forest Service Employees for Environmental Ethics (FSEEE) et al. v. Forest Service Settlement Agreement*
- ANF OGM Program Implementation
- **ANF Forest Plan Supplemental Environmental Impact Statement (SEIS)**

# ANF Forest Plan SEIS

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- ❑ The SEIS is not tied to the settlement between *FSEEE et al. v. Forest Service*.
- ❑ Directed by Regional Forester on January 16, 2009, to conduct Forest Plan SEIS, consistent with Forest Plan appeal direction from the Chief of the Forest Service.
- ❑ Published Notice of Intent (NOI) on February 27, 2009.

# ANF Forest Plan SEIS

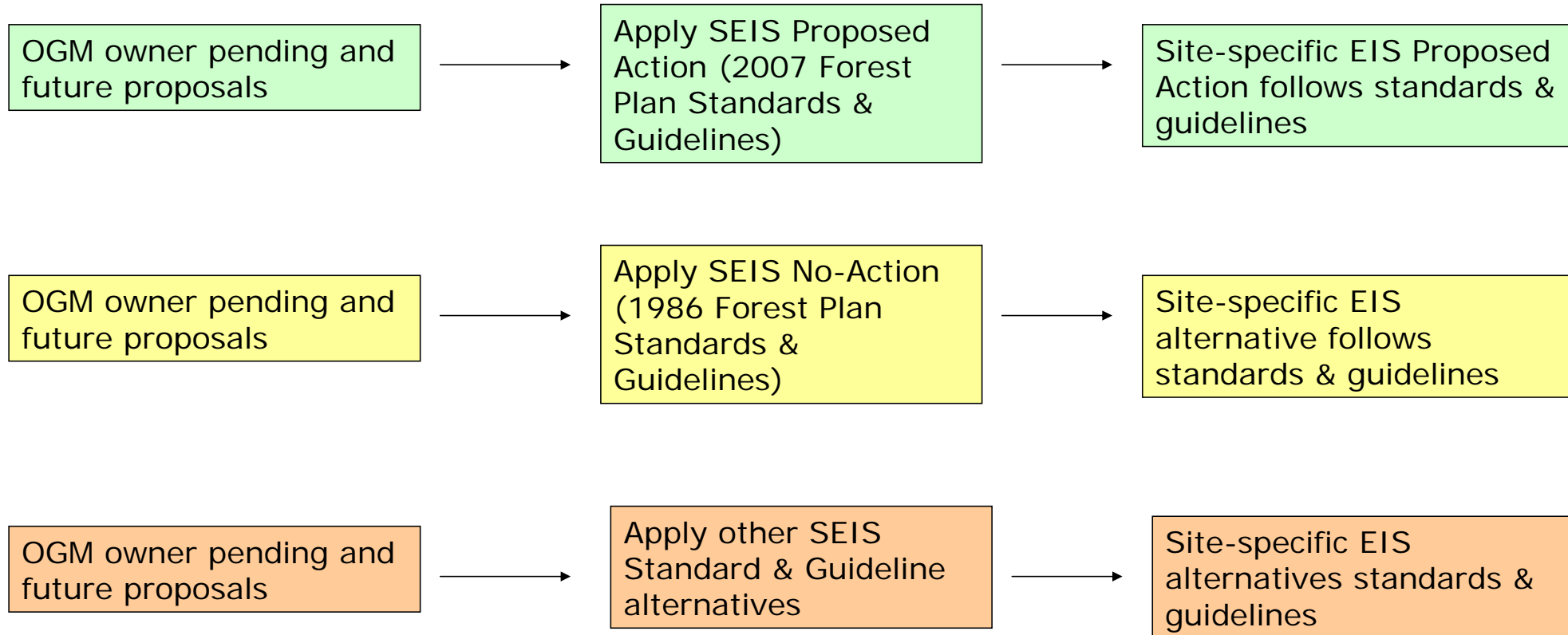
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- ❑ Official scoping period ended March 30, 2009.
- ❑ Currently identifying significant issues and alternatives to agency proposed action.
- ❑ Next public meetings scheduled for April 27, 28, and 29, to present issues identified and preliminary alternatives.
- ❑ Final decision expected December 15, 2009.



# How are the SEIS and Site-Specific EIS related? What are the possible alternatives?

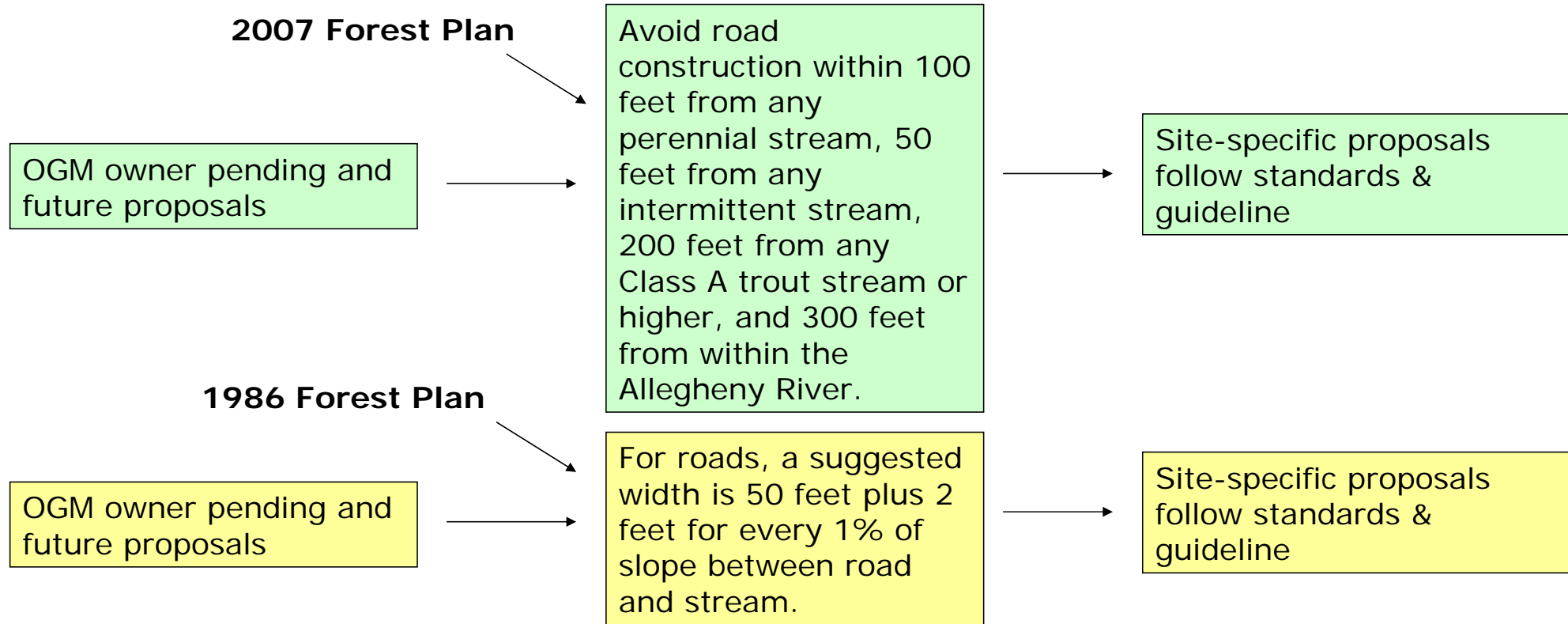
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**\* Site-specific alternatives will be developed in this manner to ensure the agency is not pre-decisional on the SEIS.**

# Example

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\* Other alternatives that may be considered for the SEIS could provide more or less stringent standards or guidelines.

# How will the public be involved in the Site-specific EIS?

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- See handout

# Questions

