



Allegheny National Forest

Oil and Gas Program

USDA Forest Service
4 Farm Colony Drive
Warren, PA 16365
April 10, 2009

Statement from Forest Supervisor Leanne Marten and District Rangers Tony Scardina and Rob Fallon

On April 9, 2009, the United States Forest Service, Allegheny Defense Project, Sierra Club and Forest Service Employees for Environmental Ethics filed a stipulation of dismissal of their pending lawsuit, along with a settlement agreement with the U. S. District Court for the Western District of Pennsylvania. The settlement resolves all matters related to the lawsuit that was filed in November 2008 and challenged the issuance of Notices to Proceed for development of reserved and outstanding oil and gas resources within the Allegheny NF without preparation of environmental analyses under the National Environmental Policy Act (NEPA). Generally NEPA and its procedures mandate public comment; consideration of alternatives; an analysis of the environmental, social, and economic effects of these alternatives; and public disclosure of all relevant information. In summary, the settlement filed with the Court, includes the processing of 54 pending oil and gas proposals for a total of 588 wells, 2 pipelines, and one seismic line following current procedures. All remaining pending oil and gas proposals, and all future proposals, will be processed after the appropriate level of environmental analysis has been conducted under the NEPA.

We are issuing this statement to communicate our message to the local communities in which we work, live, and share a deep love and appreciation. Although we have not been part of these communities for a long period of time, the simple truth is that these are our communities and homes, and we acknowledge the impact this will have on families and businesses, especially at a time when our nation is facing such a difficult economic downturn.

There is no easy explanation of why this is occurring. The honest answer from us is that we must follow our oath as public servants to uphold the laws, regulations, and policies that define our responsibilities as federal land managers. Following these principles can result in us having to make decisions that may impact the people we work, live, interact, and care for. For some, this impact may be short-term and for others it may be a life time. For us, it will undoubtedly last a life time to see and remember the consequences of these decisions. We will do everything in our power, with every ounce of energy we have, to work with you through these times and alleviate the consequences as quickly as possible. These are our communities, our homes, and our friends, and for no reason other than that, we have no intention of bailing out and will do what it takes to make this work.

We know that there are many who have and will question why this is happening now. The ANF has been operating for years under decisions and directions that included as a base that we must, (1) ensure access to private property rights; and (2) fulfill our land management responsibilities. The ANF has met this direction through the use of environmental reviews for all proposals and working with operators to help mitigate resource impacts. Whether or not this has been the right approach has been debated for quite some time. Recent litigation pushed this debate to the forefront, and agency direction on how to go about meeting these two key objectives has been clarified – we will not impede access to private property rights, we will fulfill our land management responsibilities, and we will do this via NEPA.

Please know that we will continue to do what we believe is best for the land we manage, while trying to balance the various needs of the people and interests we serve locally, regionally, and nationally.



How has Drilling on the ANF been Handled in the Past?

In the past, authorization to access private mineral rights took an average of 2 to 8 months, depending on the number of wells proposed in a package, the complexity of natural resource issues on the ground, level of cooperation and whether or not there is a dispute that needs resolved. For each proposal, environmental reviews for biological and heritage resources would be conducted. If any issues were identified from this review, the Forest Service would work with operators to mitigate impacts to these resources. Once agreement was reached, the Forest Service would authorize development to begin by issuing a Notice to Proceed, which included a site-specific Operating Plan that outlined parameters for the development to ensure surface resources were protected.

The Forest Service will immediately commence with completing the process described above for 54 packages. These packages include a total of 588 wells, 2 pipelines, and 1 seismic testing line. 22 OGM companies are included in these 54 packages.

These packages will not be subject to Regional Office review. When ANF review is complete, and fees for timber and road use are paid, a Notice to Proceed will be issued on the approved well, road, tank battery, pipeline, and utility line locations. The Notices to Proceed for these 54 packages will be issued as soon as possible.

What is NEPA?

NEPA is the National Environmental Policy Act of 1969. This law requires that major federal proposed actions be subject to three key planning components: public involvement, consideration of alternatives, and an analysis of environmental, social, and economic effects.

All remaining pending, and all future, oil and gas proposals on the Allegheny National Forest will be processed after the appropriate level of environmental analysis has been conducted under NEPA.



How Does the Forest Service Plan to Move Forward?

The Forest Service will be initiating a forest-wide site specific environmental analysis for proposals that were not included in the settlement and any other proposals for activity anticipated between now and 2013. The intent is to publish a Notice of Intent (NOI) to prepare a forest-wide environmental analysis on these proposals in June 2009. The NOI will include the purpose and need for the project and a proposed action that will include development proposals.

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.

Public involvement will be extensive during this process.

What will be the Next Steps?

The Forest Service will hold public meetings to discuss the recently filed settlement. These meetings will be held at 7 pm on Monday, April 13, 2009, in Warren, 7pm on Tuesday April 14, 2009, in Bradford, and 7 pm on Wednesday April 15, 2009, in Clarion. Forest Supervisor Leanne Marten, and District Rangers Rob Fallon and Tony Scardina will present the details and answer questions. News releases have been sent out locally and regionally for these meetings.

The Forest Service has mailed letters to oil and gas operators with ownership or leases on the ANF asking for their assistance in providing proposals for oil and gas development over the three year period from 2010 through 2013.

The Forest Service will initiate an in-depth site-specific inventory of resources, potential effects, and alternatives to the proposed action following publication of the NOI.

The Forest Service will post a detailed public involvement plan for the EIS on the ANF website at: <http://www.fs.fed.us/r9/forests/alleggheny/>. This plan will be discussed at the public meetings April 13-15th.

Please note that the Forest Service is continuing with efforts to conduct a Supplemental Environmental Impact Statement (SEIS) for Forest Plan oil and gas standards and guidelines. This is a separate process from the site specific one tied to the recently filed settlement. Meetings pertaining to the SEIS are scheduled to occur April 27th in Warren, April 28th in Bradford and April 29th in Clarion.



**USDA Forest Service
4 Farm Colony Drive,
Warren, PA 16365**

Key Contacts:

Forest Supervisor Leanne Marten: (814) 728-6299, lmarten@fs.fed.us

District Ranger Tony Scardina: (814) 728-6115, ascardina@fs.fed.us

District Ranger Rob Fallon: (814) 927-5799, rfallon@fs.fed.us

We're on the web!!

<http://www.fs.fed.us/r9/forests/alleggheny/>
