

# Allegheny National Forest

---

Transition EIS

Public Meeting 2

# Meeting Outline

---

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

# Ground Rules

---

- ❑ **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.
- ❑ **THINK FORWARD, NOT BACKWARD:** We are here to move forward. Past events cannot be changed. We can only move forward, together, to overcome them. Be positive and work together in a forward thinking manner!
- ❑ **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

---

- ❑ **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

---

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

# Presentation Overview

---

- ANF Oil and Gas Program Recap
- SEIS and Transition EIS Processes
- Transition EIS Notice of Intent
- Scoping and Alternative Development Processes

# Oil and Gas Program Recap

---

- National Rule-making
- Forest Plan Supplement EIS
- FSEEE et al. v. Forest Service Settlement Agreement
- ANF Oil and Gas Program Implementation

# Forest Plan Supplemental EIS

---

- Currently analyzing alternatives and preparing to release DSEIS July 2009.
- 90-day comment period begins with release of DSEIS.
- Next public meetings July 20-22 to present DSEIS and provide the public with information on how to comment.

# FSEEE et al. v. Forest Service

---

- ❑ 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 et al. v. Forest Service

---

- ❑ On April 9, 2009, FSEEE et al. 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 resolved all matters related to the lawsuit.
- ❑ The lawsuit was officially dismissed by the Court in May 2009.

# FSEEE et al. v. Forest Service

---

- The settlement included the processing of 54 pending oil and gas proposals for a total of 588 wells, 2 pipelines, and 1 seismic line following past procedures (included 22 companies).
- The appropriate level of environmental analysis pursuant to NEPA must be conducted prior to authorizing any future proposals.

# Status of 54 Packages

---

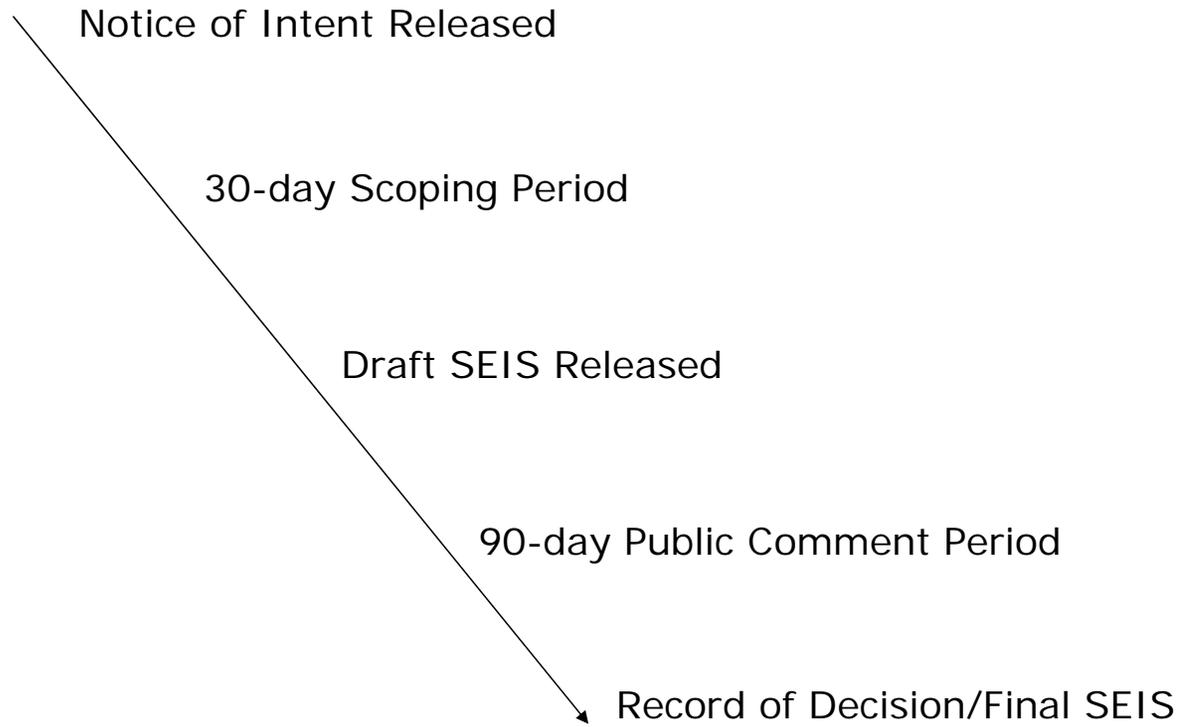
- Marienville District: 16 of 54 packages
  - 8 Notices to Proceed issued: 73 wells, 2 pipelines, and 1 seismic line
  - 6 packages with timber/road use contract sent to company: 39 wells
  - 1 package put on-hold by company: 2 wells
  - 1 package requires special use permit for access before moving forward: 24 wells
  
- Bradford District: 38 of 54 packages
  - 10 Notices to Proceed issued: 94 wells
  - 10 packages with timber/road use contract sent to company: 91 wells
  - 11 packages where timber/road use contract will be sent this week: 81 wells
  - 4 packages remaining to be worked out with company: 162 wells
  - 3 packages put on-hold by company: 22 wells

# SEIS and Transition EIS Processes



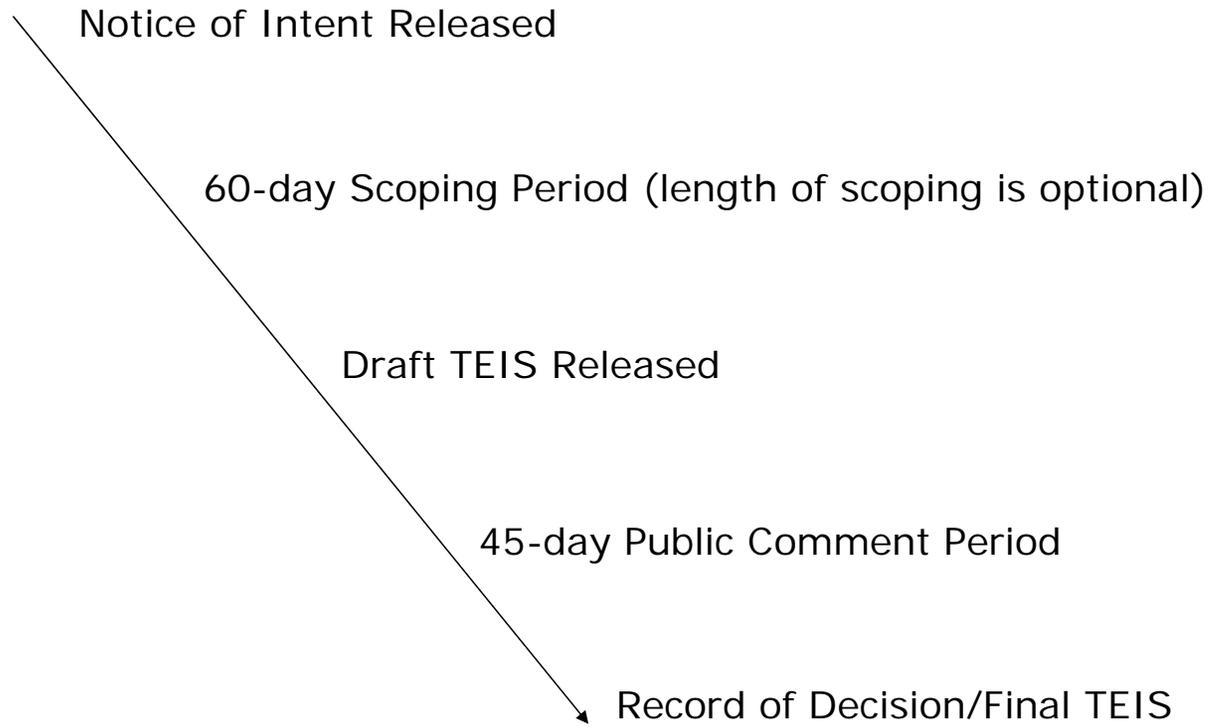
# What Process is Required by Law, Regulation, or Policy for completing a SEIS?

---



# What Process is Required by Law, Regulation, or Policy for completing the Transition EIS?

---



# How will the Public be Involved in the SEIS and Transition EIS?

---

- ❑ See handout.
- ❑ Extensive public involvement that goes beyond the steps mandated by law.
- ❑ The purpose of the outlined public involvement process is to help the public better understand how to be effective and influential throughout the process, to provide adequate opportunity for comment and input, and to be fully transparent.

# Transition EIS Notice of Intent



*Will be posted the week of June 8, 2009*

# Proposed Action

---

- ❑ Proposing to authorize reasonable access for site-specific proposals for development of reserved and outstanding oil and gas rights within the ANF, with provisions to mitigate surface impacts.
- ❑ Proposing to use design criteria and a site-specific review process through this decision to authorize reasonable access for future proposals for development of reserved and outstanding rights within the ANF, with provisions to mitigate surface impacts.

# Proposed Action

---

- ❑ This proposed action will be consistent with the standards and guidelines in the 2007 Forest Plan Supplement Environmental Impact Statement proposed action.
- ❑ Site-specific information such as maps, number of wells, and approximate road mileages for the proposed action will be mailed to interested parties and posted at:  
**<http://www.fs.fed.us/r9/forests/allegheny/>**.
- ❑ Information will be posted on the web before or on the day of publication of the Notice of Intent in the Federal Register.
- ❑ See handouts.

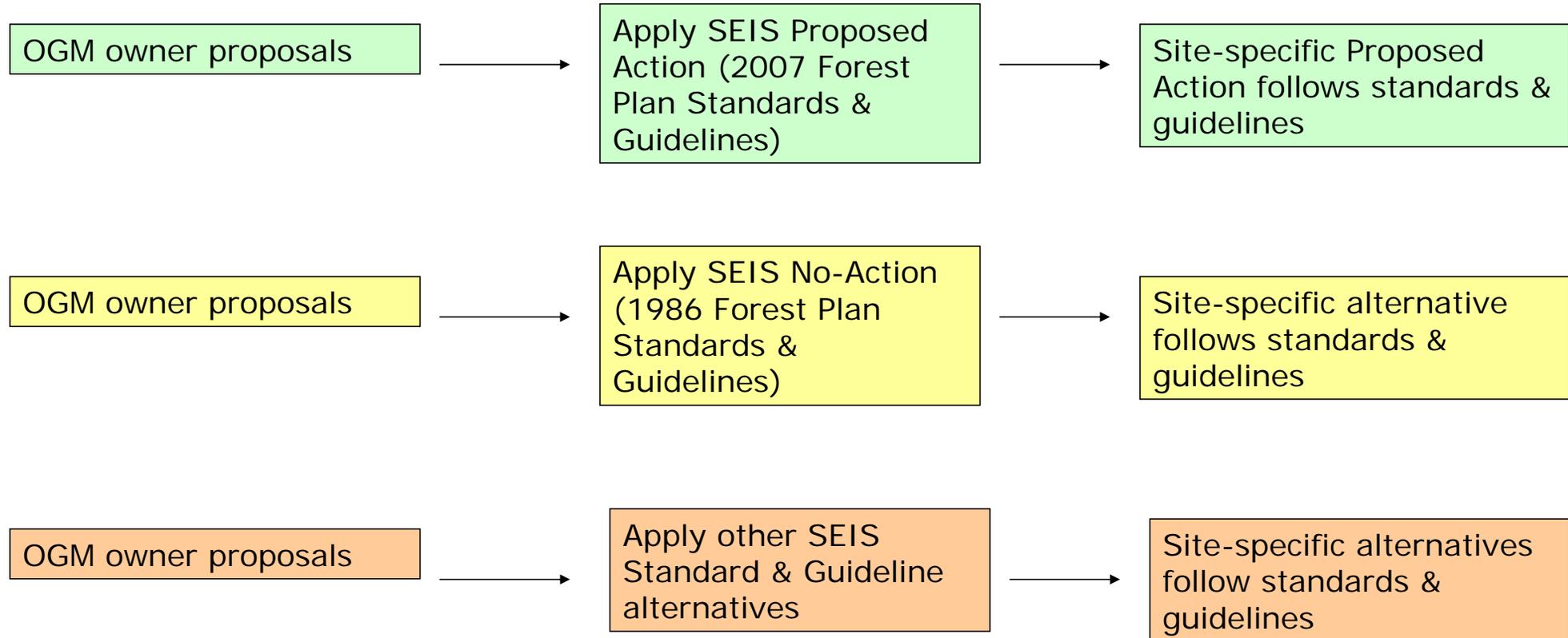
# Possible Alternatives

---

- ❑ Alternatives are likely to include the application of design criteria consistent with the alternative standard and guidelines that are being considered as part of the current ANF Plan Supplemental Environmental Impact process.
- ❑ Denying reasonable access to reserved and outstanding mineral rights will serve as the No-action alternative.
- ❑ The no-action alternative only serves as a baseline for comparing effects of other alternatives considered, as the Forest Service acknowledges that it lacks the legal authority to deny reasonable access without engaging in a taking of private property rights.

# How are the SEIS and Transition EIS related? What are the possible alternatives?

---



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

# Coordination

---

- The Forest Service will coordinate with:
  - U.S. Bureau of Land Management
  - U.S. Environmental Protection Agency
  - PA Department of Environmental Protection
  - County governments
  - Tribal nations
  - Other necessary government entities

# Responsible Official

---

- The Responsible Official for the decision is the Allegheny National Forest Supervisor, Leanne M. Marten.

# Decision to be Made

---

- What mitigations, if any, to apply in the authorization of reasonable access for site-specific proposals to develop reserved and outstanding mineral rights within the ANF.
- What design criteria, review process, and mitigations, if any, to apply in the authorization of reasonable access for future site-specific proposals to develop reserved and outstanding mineral rights within the Allegheny National Forest.

# Scoping



# The Purpose of Scoping

---

- To have an early and open process for determining the scope of issues to be addressed related to a proposed action.
- Scoping is conducted to identify issues, which lead to the development of alternatives to the proposed action and focus for the environmental, social, and economic effects analysis.

# Issue Identification Process

---

- Step 1: Is the public comment an issue or non-issue?
- Step 2: Are the resulting issues significant or non-significant?

# Screen 1

---

- ❑ Issue: A point of disagreement, debate, or dispute about the proposed action based on undesirable effects identified through scoping.
- ❑ Non-issue: General concerns or opinions received through scoping that are not related to the current proposed action's effects, and, therefore, cannot be resolved through an alternative or mitigation.

# Screen 2

---

- An issue is Non-Significant when:
  - It is beyond the scope of the proposed action.
  - It is irrelevant to the decision to be made.
  - It is already decided or required by law, regulation, or policy.
  - It is conjectural in nature or not supported by scientific evidence.

# Screen 2

---

- ❑ An issue is considered a Significant Issue if it makes it past the criteria for determining issues that are Non-Significant.
- ❑ Significant Issues are used to formulate alternatives to the proposed action, or prescribe mitigation and monitoring measures.
- ❑ Significant Issues may also be used to focus the environmental, social, and economic effects analysis.

# Key Points

---

- ❑ Just because an issue is not determined to be Significant, does not mean it is not important or reviewed and discussed.
- ❑ We do not count the number of similar comments to determine their importance or significance. Significance is based solely on the criteria described in the previous slides.

# Alternatives



# Requirements for Developing Alternatives

---

- ❑ Evaluate all reasonable alternatives and explain reason for eliminating some alternatives from detailed study.
- ❑ Include the No-Action alternative.
- ❑ Identify the Preferred Alternative.
- ❑ Include mitigation.

# Requirements for Developing Alternatives

---

- All reasonable alternatives to the proposed action will:
  - Meet the identified Purpose and Need.
  - Address the Significant Issues.

# Requirements for Developing Alternatives

---

- ❑ A range of reasonable alternatives should be well-distributed along a continuum of responses to Significant Issues.
- ❑ Reasonable alternatives must be rigorously explored and objectively evaluated, including those alternatives which are eliminated from detailed study, with a brief discussion of the reasons for eliminating them (CEQ).
- ❑ When there are potentially a very large number of alternatives, only a reasonable number of examples covering the full spectrum of alternatives must be analyzed and compared (CEQ).

# The No-Action Alternative

---

- Two interpretations:
  - No change from current management direction (more common in Forest Planning).
  - Proposed project does not take place (more common for site-specific projects).

# The No-Action Alternative

---

- ❑ The No-Action provides a basis (point-of-reference) for describing the environmental, social, and economic effects of the proposed action and other alternatives.
- ❑ The No-Action alternative **MUST** be included, even if it fails to meet the purpose and need or is not legal.

# Key Points

---

- ❑ The law requires the agency to consider a range of reasonable alternatives covering the full spectrum of possible alternatives.
- ❑ The No-Action alternative must always be considered and analyzed in detail.
- ❑ Mitigations are considered to be part of the alternatives.

# Next Steps

---

- Once the scoping comment period ends, the Forest Service will review comments, follow the issue identification process, and begin to formulate a range of reasonable alternatives, consistent with the Purpose and Need, that address the Significant Issues.
- The next series of public meetings will focus on scoping comments, issues identified, and the alternative development process.

# Question and Answer Session

---

- ❑ We will not be recording comments. You may fill out the comment form or comment as described in the Notice of Intent.
- ❑ Questions need to be relevant to the presentation – where information can be found, how to comment, the process, and other questions of clarification.
- ❑ Questions will be recorded and briefly responded to.
- ❑ Questions from all 3 public meetings will be recorded, and more detailed responses will be posted on the ANF website.