

**Draft SEIS Public Meetings  
August 10, 11 and 12, 2009  
Questions and Answers**

***Air Quality:***

Q – Air quality changes from 2007?

A – Please refer to the effects analysis disclosed in the Supplemental Environmental Impact Statement for further information on air quality.

***Analysis:***

Q – Does species viability continue to decline in SEIS analysis?

A – Please refer to the effects analysis, including species viability, disclosed in the Supplemental Environmental Impact Statement.

Q – Are we going to analyze total maximum daily loading in SEIS? Will we know carrying capacity of watersheds?

A – Please refer to the effects analysis, including water and soils analysis, disclosed in the Supplemental Environmental Impact Statement. Total maximum daily loading is not one of the measurements used in the analysis.

Q – Does the analysis consider projections of OGD that accounts for increase in drilling from 2005 through 2009? Does affected environment include wells on the ground up to 2009?

A – Please refer to Appendix C of the Supplemental Environmental Impact Statement for a discussion of projections and amount of potential drilling approved since 2005.

Q – Do we plan to document the overlap (in analysis between the SEIS and TEIS) and disclose to the public?

A – The Transition EIS will disclose the analysis methodology and information used when it is released for public comment. This will include the relationship to the SEIS.

Q – What are full-field development and full mine-out and how are they incorporated into SEIS Alternatives?

A – The Draft Supplemental Environmental Impact Statement discloses analysis for the proposed standards and guidelines pertaining to private oil and gas development on the Allegheny National Forest.

**Authority:**

Q – Does the Forest Service have the ability to “pre-empt” state law? (See statement in Appendix C)

A – The issue of authority and interpretation is part of ongoing litigation and thus cannot be commented on in any more detail.

**DEP Standards:**

Q – We do not refer to DEP standards specifically. Can we accept Alternative 4 as Forest Service interpretation of DEP standards (BMPs)? Are these BMPs as stated in DEP manual or oral? We would like to understand the difference (application/effects) between Alternatives 3 and 4 (DEP). Does Alternative 4 actually state DEP standard as provided in DEP Oil and Gas Manual?

A – The Standards and Guidelines as worded in Alternative 4 were developed by working specifically with employees of the DEP to ensure that the wording and interpretation used in the standards and guidelines mirrored the DEP’s application and implementation based on their laws and regulations.

**Federal Ownership of Subsurface Minerals:**

Q – How much of the ANF subsurface is in federal ownership?

A – Approximately 93 percent of the subsurface mineral rights beneath the Allegheny National Forest are privately owned; therefore approximately 7 percent is in federal ownership.

**Interaction with DEP:**

Q – How is relationship between DEP and Forest Service? Suggest DEP be part of field meeting to discuss and explain interaction.

A – Allegheny NF personnel continue to work with DEP personnel on implementation of the oil and gas program across the forest.

**Marcellus Shale:**

Q – Why was Marcellus shale not considered as a significant issue?

A – Potential drilling in the Marcellus shale was not considered a significant issue because regardless of the level of drilling, the overall goals, objectives, and proposed standards and guidelines to minimize impacts to the surface resources would be the same. Therefore, it was dropped as a significant issue that would drive development of different alternatives. Potential impacts, however, from drilling in the Marcellus could vary by resource and were analyzed and disclosed in the Draft Supplemental Environmental Impact Statement.

Q – Why do we not describe Marcellus shale development?

A – Please see Appendix C for a discussion on Marcellus shale development.

Q – Concern was raised regarding Marcellus shale development and impacts of construction and water withdrawal. What is ANF's role in regulating water withdrawal when it draws streams down?

A – The ANF will coordinate with the DEP on any water withdrawal concerns that might emerge.

**NEPA:**

Q – What level of NEPA is needed to amend the Forest Plan? Magnitude and complexity? Is 6 months the minimum time frame we can expect for amending the Forest Plan?

A – The appropriate level of NEPA is determined on a case-by-case basis. The timeframe needed to complete an analysis is determined by the level of NEPA that is required and the complexity of issues to be analyzed.

Q – Can you amend a Forest Plan using a CE?

A – At this time there is not a Categorical Exclusion available for amending a Forest Plan.

Q – After the SEIS is finalized, how do I find out what is being proposed on the ground?

A – Site specific implementation of the standards and guidelines approved in the Supplemental Environmental Impact Statement will be addressed in future NEPA analysis as proposals are received and are considered for implementation. You can request to be put on the mailing list for NEPA analysis, or you can consult the Schedule of Proposed Activities for the Allegheny National Forest at:  
<http://www.fs.fed.us/sopa/forest-level.php?110919>

**Oil and Gas Development:**

Q – Are 512 wells still the average?

A –The oil and gas program on the forest is considered to be cyclic and can vary greatly year to year. Review of historic data still shows that over time the average will be somewhere around 512 wells per year.

It is important to note that this average and overall projection is just that, a projection. It is meant as a disclosure item to use for analysis purposes between alternatives. As long as the same projections are used for each alternative the decision maker has the best information available to determine the difference in potential effects of applying the various standards and guidelines by alternative.

Q – Has a Notice to Proceed been issued for all new well development included in the settlement agreement that will proceed without NEPA analysis?

A – The settlement agreement allows the development of 588 wells without NEPA analysis. Many of these have been approved for development through issuance of a Notice to Proceed. We are waiting for additional information from the private developers on remaining wells in order to complete the Notices to Proceed.

***Planning Rule:***

Q – Are we following 1982 Planning Rule for the SEIS and any amendment that might result?

A – The procedures of the 1982 Planning Rule are being followed for the SEIS.

***Permitting Documents:***

Q – Appendix C, background on Reserved and Outstanding Oil and Gas Rights requires a formal permitting document. Section 1911 says a permit is not required. What will be required? Are Notices to Proceed and “permitting document” one and the same? Is a Notice to Proceed a formal permitting document?

A – Internal discussion on what future documentation will be used is on-going. Currently the ANF uses a Notice to Proceed as the tool for documentation.

***Public Participation:***

Q – Are you satisfied with how public participation has occurred to date? A suggestion was made to hold field meetings to help illustrate implementation of S&Gs.

A – Thank you for your suggestion. Public participation efforts have been extensive and include multiple opportunities such as meetings, conference calls and access to our website.

***Scenery:***

Q – Why do S&Gs for scenery management in Alternative 3 apply only to the North Country Trail?

A – The significant issue for visuals was specific to special areas such as the North Country Trail. The standards and guidelines were designed to specifically address concerns raised regarding some of these areas.

Q – How will we address scenery issues?

A – Alternatives were developed to address this issue and the effects analysis discloses potential impacts by alternative.

***Significant Issues:***

Q – Why did the number of significant issues drop from six to three?

A – The significant issues for the Supplemental Environmental Impact Statement were changed from the original six preliminary issues to three after further review and refinement of public and internal input.

Q – How was fragmentation dropped as a significant issue?

A – After further review of the preliminary significant issues identified from public scoping, it was determined that the real concern expressed about fragmentation was not the need for another alternative, or the changing of proposed standards and guidelines. The concern expressed was the desire to ensure that fragmentation was included in the effects analysis. For this reason, fragmentation was not carried forward as a significant issue. Fragmentation and potential impacts to resources resulting from fragmentation was considered as part of the effects analysis and disclosed in the Supplemental Environmental Impact Statement.

Q – How were hours of operation not considered as a significant issue?

A – After further review of the preliminary significant issues identified from public scoping, it was determined that the concern expressed about hours of operation were to ensure that the potential impacts of potentially requiring certain hours be analyzed and disclosed. This was done and included in the Draft Supplemental Environmental Impact Statement.

Q – Is restoration still a significant issue?

A – Yes it is still carried through in the Draft Supplemental Environmental Impact Statement as a significant issue. However, it is referred to as reclamation versus restoration.

### ***Snowmobile Trails:***

Q – What will snowmobile roads/trails look like in the final analysis? Will OGD be required to leave a 3” base of snow on Forest Service roads/trails for snowmobiles?

A – Please refer to the proposed standards and guidelines by alternative in the Draft Supplemental Environmental Impact Statement. Potential impacts to recreation (including snowmobiling) are disclosed in the effects analysis for the Draft Supplemental Environmental Impact Statement.

### ***Soil:***

Q – (Page 31/139 of Alternatives) Alternative 3 offers best protection from accelerated soil erosion. Is the result due to standards in Alternative 3 being greater than what DEP requires? Can we see how the Forest Service standards compare specifically to DEP standards?

A – Specific to the water resource, Alternative 4 was developed to address the issue of the proposed Forest Service standards and guidelines being more than what is currently required by DEP. Specifically, the ANF worked with the DEP and removed or changed the standards and guidelines in Alternative 4 to mirror their (DEP) requirements. The

only area that was not changed was the standards and guidelines for the areas within 13 percent of the Allegheny River due to requirements of the Endangered Species Act (ESA) as administered by the US Fish and Wildlife Service.

The effects analysis disclosed in the Draft Supplemental Environmental Impact Statement discloses the difference in potential impacts to resources between Alternative 3 and Alternative 4.

***Standards and Guidelines AND Goals and Objectives:***

Q – With respect to the SEIS, can you explain the difference between a **standard** and a **guideline**?

A – A standard is something that must be adhered to unless there is either a programmatic or project specific amendment to the Forest Plan completed. A guideline is something that may or may not be adhered to and does not require any kind of amendment to the Forest Plan to deviate.

Q – What is the difference between **terms and conditions** and **standards and guidelines**?

A – Standards and guidelines are as outlined in the Forest Plan and Draft Supplemental Environmental Impact Statement. Terms and conditions are often referenced when talking about a special use permit, timber contract, etcetera.

Q – Can guidelines be applied differently for different operators?

A – Site specific conditions are the basis for determining which guidelines apply, Guidelines are determined based upon resource needs and are not determined by the operator for a particular activity.

Q – Will we actually see how S&Gs from each SEIS Alternative are applied to TEIS Alternatives?

A – The Transition EIS will disclose how the alternatives were developed when it is released for public comment.

Q – Can you make changes on ground (site specific mitigations) that are consistent with goals and objectives? Where are the goals and objectives?

A – Goals and objectives are outlined in the Land and Resource Management Plan (Forest Plan). Changes on the ground and to what level they can happen and still be within the decision made are determined on a case-by-case basis.

***Water Resources:***

Q – What is the ultimate goal for water quality? Are we going to protect potable water sources? Are we going to test for a baseline prior to OGD? Without baseline data on the ANF, how will we know if potable water is being impacted?

A – Potential impacts to the water resource have been analyzed and disclosed in the Draft Supplemental Environmental Impact Statement.

**13 Percent Area:**

Q – Will we know the effects of sedimentation in the 13 percent area?

A – Please refer to the effects analysis disclosed in the Supplemental Environmental Impact Statement for potential impacts within the 13 percent area.

**Statements Made by the Public:**

S – If the Forest Service requires erosion and sedimentation (E&S) plan in advance of layout, both FS and operator lose flexibility. We should modify S&Gs to allow the process to begin without an E&S plan. E&S plan should come after layout and before NTP.