

**DECISION MEMO**  
**Gas & Oil Management Associates, Inc. Road Extension Project**

USDA-Forest Service, Region 9, Allegheny National Forest  
Bradford Ranger District  
Warren County, Pennsylvania

**I. DECISION TO BE IMPLEMENTED**

**A. Description of Decision**

My decision is to issue a Special Use Permit to Gas & Oil Management Associates, Inc. for the construction and maintenance of a 300 feet access road (0.05 miles, 0.2 acres). The road would be an extension to an existing oil and gas road on Lot 521 in which mineral rights are owned by another private party. The new road would connect with Mohawk Ave. Extension (State Route 2003).

The location of the new road is displayed on the area map (**Exhibit 1**).

**B. Purpose of Decision**

The new road is needed to access private mineral development. Gas & Oil Management Associates, Inc. is currently accessing the area on an existing road that is also designated as the Allegheny Snowmobile Loop (ASL). The new road would eliminate commercial hauling on 1100 ft of ASL. It would minimize conflicts with large commercial trucks and snowmobiles and create a safer work environment, as well as, a more enjoyable winter trail experience.

**C. Allegheny National Forest Land & Resources Management Plan (LRMP USDA-FS, 2007)**

The LRMP goals for Management Area 3.0 include:

“Encourage, facilitate, and administer the orderly exploration, development, and production of mineral resources.” (p.15)

“New road construction shall be limited to that required for designated special uses of by law to provide access to non-Federal land or valid existing mineral rights.” (p.146)

This activity for management area 3.0 is *suitable* as shown on LRMP Table 12. (p. 37)

The LRMP Standard for Management Area 3.0 states: “*Special uses, utility corridors, road right-of-way, and intensive oil and gas development may dominate the landscape at specific sites.*” (p.113)

## **II. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION**

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 sections 31.12 or 31.2, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

This project implements the Allegheny National Forest (ANF) Land and Resource Management Plan (LRMP USDA-FS 1986 & 2007). As required by NFMA Section 1604(i), I find this project to be consistent with the ANF-LRMP. As required by 36 CFR 219.35, I have considered the best available science in making this decision. The project record demonstrates a thorough review and relevant scientific information, a consideration of responsible opposing views, and the acknowledgement of incomplete or unavailable information, scientific uncertainty, and risk.

I have concluded there are no extraordinary circumstances related to the decisions that may result in a significant individual or cumulative effect on the quality of the human environment. My conclusion is based on information presented in this document and the entirety of the record.

### **A. Category of Exclusion**

The decision is within the category of exclusion identified in Forest Service Handbook (FSH) 1909.15, Chapter 30, 31.2 (3) and 36 CFR 220.6 (e) (3): “*Approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land.*”

### **B. Relationship of Extraordinary Circumstances**

The categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects which may significantly affect the environment. I considered the following for extraordinary circumstances:

#### **1. Proposed, Threatened, or Endangered Species or their Critical Habitat and Sensitive Species**

The Endangered Species Act requires that federal activities not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in advance modification to such species’ designated critical habitat. There are no federally designated critical habitats for any Threatened or Endangered species in the project area. Analysis indicates that there will be “no effect” to any proposed or listed species or their critical habitat.

Forest Service Manual 2670 requires analysis of potential impacts to sensitive species; those species for which the Regional Forester has identified population viability is a concern. On November 8, 2006, the Regional Forester approved the updated Regional Forester’s

Sensitive Species (RFSS) list. Analysis indicates that there will be “no effect” to any of the RFSS, and this decision will not cause a trend toward federal listing of any of those species (**Exhibit 2**).

2. Floodplains, Wetlands, or Municipal Watersheds

*Floodplains:* Executive Order 11988 is meant to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as, “...the lowland and relatively flat areas that are adjoining inland and coastal waters, including flood-prone areas of offshore islands, including at a minimum, that area subject to a one percent [100-year recurrence] or greater chance of flooding in any one year.”

This decision will not affect floodplains.

*Wetlands:* Executive Order 11990 is meant to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as “...areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.”

This decision will not affect wetlands.

*Municipal Watersheds:* Municipal watersheds are managed under multiple use prescriptions in forest plans. There are no municipal watersheds in the project area.

This decision will not affect municipal watersheds.

3. Congressionally Designated Areas –

*Wilderness:* This project is not located in or near designated wilderness areas.

This decision will not affect Congressionally Designated Wilderness Areas.

*Wilderness Study Area:* The wilderness evaluation for the ANF LRMP (USDA-FS 2007, p. 17) identified two areas that have the potential to become wilderness and are designated as wilderness study areas (MA 5.2). This project is not collated in or near potential Wilderness Study Areas.

This decision will not affect Wilderness Study Areas.

*National Recreation Areas:* There is one congressionally designated National Recreation Area (NRA) located on the Forest (ANF-LRMP, p.148-152), which is divided into three separate areas. This project is not located in or near NRA.

The decision will not affect NRAs.

National Wild and Scenic Rivers: There are two Wild and Scenic Rivers on the ANF. This project is not located near either river.

The decision will not affect Wild and Scenic Rivers.

4. Inventory Roadless Areas – There are seven areas on the maps of record for the Roadless Area Conservation Rule (36 CFR Part 294, 2001). The project area is not located within the boundary of an Inventoried Roadless Area.

This decision will not affect Inventoried Roadless Areas.

5. Research Natural Areas – There are no Research Natural Areas near the project area.

This decision will not affect Research National Areas.

6. American Indians and Alaska Natives Religious or Cultural Sites, and Archeological Sites, or Historic Properties or Areas –

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. Section 106 of the National Historic Preservation Act also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that area excavated or discovered in federal lands. It affords lawful protection of archaeological resources and sites that are on public and Indian lands. The Native American Graves Protection and Repatriation Act cover the discovery and protection of Native American human remains and objects that are excavated or discovered in federal lands. It encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through “in situ” preservation, but may encompass other actions to preserve these remains and items.

A survey was conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision. A “no properties affected” determination was made. No tribal concerns were identified for this project (**Exhibit 3**).

This decision will not affect American Indians and Alaska Natives Religious or Cultural Sites, and Archaeological Sites, or Historic Properties or Areas.

No other extraordinary circumstances related to the project were identified.

### **III. PUBLIC INVOLVEMENT**

A field meeting was held at the project area on August 11, 2009, with representatives from Gas & Oil Management Association, Inc. and Tionesta Valley Snowmobile club. Alternatives to address recreational and public safety concerns related to oil and gas development interacting with the snowmobile loop were discussed, and all parties involved agreed upon a mutual solution.

Internal scoping was also completed and no issues or concerns were identified.

### **IV. FINDING REQUIRED BY AND/OR RELATED TO OTHER LAWS AND REGULATIONS**

My decision will comply with all applicable laws and regulations. I have summarized some pertinent ones below.

Forest Plan Consistency (National Forest Management Act) – This Act requires the development of long-range land and resource management plans. The ANF-LRMP (USDA-FS, 2007) was developed, as required by the Act. The Act requires all projects and activities to be consistent with LRMP. The LRMP has been reviewed in consideration of this project. This decision is responsive to guiding direction contained in the LRMP. This decision is consistent with the design criteria (standards and guidelines contained in the LRMP 2007) (pp. 53-99).

Endangered Species Act – See Section II, Item B1 of this document.

Sensitive Species (Forest Service Manual 2670) – This Manual direction requires analysis of potential effects to sensitive species, those species for which the Regional Forester has identified population viability is a concern. On the ANF, the regional Forester approved the sensitive species list. Potential effects of this decision on sensitive species has been analyzed and documented. This decision will have “no effects” on sensitive species (see Exhibit 2).

Clean Water Act –The intent of the Act is to restore and maintain the integrity of waters. The Forest Service complies with this Act through the use of Best Management Practices. This decision incorporates Best Management Practices to ensure protection of soil and water resources.

Wetlands (Executive Order 11990) – See Section II, Item B2 of this document.

Floodplains (Executive Order 11988) – See Section II, Item B2 of this document.

Clean Air Act – Under this Act, areas of the country were designated as Class I, II, or III attainment areas for Prevention of Significant Deterioration purposes. Class I areas generally include national parks and wilderness areas. Class I provides the most protection to pristine lands by severely limiting the amount of additional human-caused air pollution that can be added to these areas. There are no Class I attainment areas on the ANF. The ANF lies within a Class II

attainment area. A greater amount of additional human-caused air pollution may be added to these areas but must still meet Commonwealth and National Air Quality Standards. No areas on the ANF have been designated as Class III attainment areas at this time.

Federal Cave Resources Protection Act – This Act is to secure, protect, preserve, and maintain significant caves, to the extent practical. Site features and field review substantiate that no caves are known within the project area. This decision will not affect caves.

Natural Historic Preservation Act – See Section II, Item B5 of this document.

Archeological Resources Protection Act – See Section II, Item B5 of this document.

National American Graves Protection and Repatriation Act – See Section II, Item B5 of this document.

Environmental Justice (Executive Order 12898) – This Order requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with this Act. Public involvement occurred for this project, the results of which I have considered in this decision-making. Public involvement did not identify any adversely impacted local minority or low-income populations. This decision is not expected to adversely affect minority or low-income populations.

Wild and Scenic Rivers Act – See Section II, Item B3.

National Environmental Policy Act – This Act requires public involvement and considerations of potential environmental effects. The entirety of documentation for this decision supports compliance with this Act.

## **V. ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES**

This decision is not subject to an administrative review or appeal pursuant to 36 CFR 215.

## **VI. IMPLEMENTATION DATE**

Implementation of this decision may occur immediately.

**VII. RESPONSIBLE OFFICIAL AND CONTACT PERSON**

The Responsible Official is:

Anthony V. Scardina, District Ranger  
USDA Forest Service  
Allegheny National Forest  
Bradford Ranger District  
29 Forest Service Drive  
Bradford, PA 16701

Further information about this decision can be obtained from Anthony V. Scardina during normal office hours (weekdays, 8:00 a.m. to 4:30 p.m.) at the Bradford Ranger District Office, 29 Forest Service Drive, Bradford, PA 16701, Phone: voice 814-363-6098, FAX 814-363-2761, e-mail: [ascardina@fs.fed.us](mailto:ascardina@fs.fed.us).

**VIII. SIGNATURE AND DATE**

/s/ Anthony V. Scardina  
ANTHONY V. SCARDINA  
District Ranger  
Allegheny National Forest

09/21/2009  
Date

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