

Question and Answer Summary April Public Meetings and May 5, 2009 Conference Call

Thank you for taking the time, again, to attend the meetings held last week in Warren, Bradford and Clarion, Pa. We appreciate your continued interest in the SEIS. We have summarized your questions and are posting them to the internet for you. We are hopeful that these provide more explanation than was given during the meetings themselves.

We received several requests for information (the powerpoint used in the presentation, the economic analysis process, documents describing visual resources, facts related to reserved and outstanding rights on the ANF and other forests). We are currently working on accessing these documents, and rather than provide them just to the person who requested the information, we will post them here shortly.

We will continue posting information to the web-site – so please check back to see if additional information has been added. The document archive is the best place to check for new postings.

http://www.fs.fed.us/r9/forests/alleggheny/projects/supp_eis/documents/index.php

The next opportunity for participation will be on our third conference call tentatively scheduled for June 2, 2009 at noon, EDT. Call-in information – dial 1-877-939-0384, pass-code 9408961.

Again – thank you for your time and your input.

Leanne Marten

Forest Supervisor, Allegheny National Forest

April meeting questions

Q - If air quality is not a significant issue, how is it being addressed in this analysis? How do you plan to conduct that analysis? What scientific information is available? Will emissions from tank batteries, wells, etc, be included?

The review of comments received at public meetings and through scoping responses has identified numerous subject areas that will be addressed in the effects discussion in the SEIS, including air quality. Disclosing potential impacts to air quality is based upon the Chief's direction, and is part of the purpose and need for this document. The analysis, methodology and science/references used will be included in the Draft SEIS.

Q - Do you have to decide on a particular Alternative, or can you select portions of more than one alternative?

An entire alternative may be selected, or parts of several alternatives could be incorporated into the decision.

Q - How will the S&Gs that apply to OGD be identified when the decision is made? Will it be clear which S&Gs apply to OGD?

This will depend on which alternative is selected. If Alternative 2 is selected in its entirety, there will be no need to amend the 2007 Forest Plan. If any other alternative or if a mix of S&Gs from different alternatives is selected, the Forest Plan will be amended with additional pages (a new section) that will be specific to S&Gs that apply to OGD.

Q - How does the document which was posted after the March SEIS public meetings apply to this process? Do all of those S&Gs apply?

The document posted after the March public meetings displays all of the Forest-wide S&Gs included in the 2007 plan, which are also the S&Gs included in the proposed action.

http://www.fs.fed.us/r9/forests/alleggheny/projects/supp_eis/documents/SGs-that-affect-oil-gas-development.pdf

The Interdisciplinary Team (ID Team) reviewed this list and made an initial attempt to identify S&Gs that clearly do not apply to OGD (those that are truly only applicable to Forest Service management) and those that potentially could apply to OGD. The S&Gs that could apply to OGD (some of which require rewording or clarification) are shaded in gray. The ID Team used this subset of S&Gs (those shaded in gray) in the development of Alternatives 3 and 4.

In the interest of displaying how Alternatives 3 and 4 were developed, a spreadsheet was provided at the April public meetings to show how similar S&Gs appear in each of the 4 alternatives, and how they change between alternative.

http://www.fs.fed.us/r9/forests/alleggheny/projects/supp_eis/pub_meetings/april_2009/handouts/04_09_prelim_alts_handout_april_mtgs.xls

The first column displays S&Gs from the 1986 Forest Plan that are applicable to OGD.

- The second column displays the S&Gs from the 2007 Forest Plan that the ID Team identified as potentially applying to OGD (the ones displayed in gray in the document referenced above) Please note that alternative 2 also includes the entire list of S&G's.
- The third column displays the S&Gs included in Alternative 3. Some of these have been reworded for clarification. Others have been reworded in response to significant issues. Some were removed or determined to be not applicable by the ID Team upon further review.
- The fourth column displays S&Gs included in Alternative 4. Some of these have been reworded for clarification or improved applicability to OGD. Others have been

reworded in response to significant issues. Some were removed in response to significant issues.

Q - What is the current policy regarding public use of OGD roads?

The current policy for roads developed solely for OGD purposes is that they are closed to public access. Some roads are gated, some are not.

Forest system roads, many of which are open or seasonally open to the public are displayed on our Motor Vehicle Use Map, available at all of our offices.

Q – How were the stream buffer distances determined? How do we know that they are effective?

Stream buffers were based on the Pennsylvania Department of Conservation and Natural Resources Forest Management Plan. Research and best available science have shown these buffers to be effective at protecting stream values. These values include protection of water quality (i.e. water temperature, nutrients, sediment load, and turbidity), protection of subsurface flow and over flow, as well as maintaining riparian areas for large wood delivery to streams. Increased buffers for Wilderness Trout, Remote Trout, and Class A Trout provide protection for aesthetics and wilderness values. The 300' buffer for the Allegheny River is based upon US Fish and Wildlife Service recommendations for protection of threatened and endangered mussels.

Q – Who's science is used?

The Responsible Official shall demonstrate that the best available science is taken into account during the planning process. Please see Forest Service Manual 1921.81 <http://www.fs.fed.us/im/directives/fsm/1900/1920.doc> (pages 40 and 41).

Q – Economics questions

We will provide links to economics information as soon as they are available

Q – Visual questions

We will provide links to visual quality information as soon as they are available

Q – What has prompted the change in policy? (Refers to the change in policy to complete NEPA)

The SEIS is being conducted based on direction from the Chief in her February 2008 Appeal decision and direction contained in the Jan 16, 2009 letter from Regional Forest Connaughton to Forest Supervisor Marten.

Q – What documentation is there of long term environmental damage?

Potential environmental impacts will be analyzed and disclosed in the Draft SEIS.

Q – What is the difference between irreversible and irretrievable consequences?

These are categories of impacts mentioned in the National Environmental Policy Act to be included in Environmental Impact Statements. An irretrievable effect applies to losses of production or commitment of renewable resources. Irreversible effects apply to non-renewable resources, such as mineral extraction. Irreversible effects can also refer to the effects of actions that can be renewed only after a very long period of time, such as the loss of soil productivity.

For example, while an area is used as a ski trail, some or all of the timber production is irretrievably lost. This loss is NOT considered to be irreversible, because timber production could resume if the area were no longer used as a ski trail.

Q – How will you address consequences that could occur if access is denied to active oil and gas wells due to seasonal limitations?

The effects discussion in the SEIS will disclose impacts due to seasonal access.

Q – Why is water quality a significant issue?

We received many comments regarding differences between ANF Forest Plan S&G's related to water quality and the Pennsylvania Department of Environmental Protection guidelines. Based on our process for screening whether a comment was significant or not (presentation made in the March meetings, and reviewed in the April meetings) water quality was moved forward as a significant issue, and was the basis for the development of alternatives.

Q – How do you define 'remote'? Will remote recreation opportunities be retained with these S&Gs?

Remote recreation areas are classified in the Semi-primitive Non-motorized Recreation Class, defined as a moderate to large sized area characterized by a predominantly natural or natural-appearing environment. Interaction between users is low, but there is often evidence of other users. The area is managed in such a way that minimum on-site controls and restrictions may be present, but are subtle. Motorized use is not permitted.

Potential impacts to remote recreation will be disclosed in the Draft SEIS.

Q – Are there S&Gs applicable to the new scenic byway? (US Route 6 from Warren to Smethport, Longhouse Scenic Drive, which includes PA Route 59 and PA Route 321)

S&Gs contained in Section 2360 Visual Resources would apply to the scenic byway.

Q – How will you address the potential impacts to small communities and small businesses?

Social impacts will be addressed in the SEIS.

Q – Why wait until July for the next public meeting? Who set the 90 day public comment period?

Public meetings are scheduled to coincide with key steps in the development of the SEIS. Three public meetings were scheduled – the first one coincided with the release of the Notice of Intent for the SEIS and was designed to explain the process for the development of the document and to explain how the public could be involved in that process. The second meeting was designed to share the results of scoping and identify the significant issues and the alternatives to the proposed action. The third set of meetings will be scheduled to coincide with the release of the Draft SEIS. Monthly conference calls are also scheduled.

Requirements for public participation, collaboration and notification are based on the requirements of the 2008 Planning Rule and can be found at: http://www.fs.fed.us/emc/nfma/includes/planning_rule/08_planning_rule.pdf (see ~219.9 (b)(3)(ii) on p. 21509).

Q – How did we get to the Forest we have now without these rules?

Human caused influences have the potential to affect forest ecosystems, as was witnessed when, in the late 1800s and early 1900s, forests across the eastern United States, including the ANF, were systematically logged for wood products to support settlers and growing populations along the eastern seaboard. This harvesting of eastern forests resulted in the Weeks Act of 1911, which established a number of National Forests in the eastern United States (including the ANF). As populations have grown, demands on the ANF and other forests have increased, and impacts to forest ecosystems have increased. It became necessary to implement additional environmental laws established to address management of forest ecosystems for present and future generations, while allowing for sustainable commodity and non-commodity uses of National Forests.

Q – Who is Deciding Official for the SEIS?

The Forest Supervisor for the ANF is the deciding official for the SEIS.

Q – How has ANF coordinated with Pa DEP and EPA?

The ANF has invited the EPA to be a cooperating agency for the SEIS. We are working on the details of that agreement. We have met with the Pa DEP to discuss standards and guidelines and will continue working with them as we develop the SEIS.

Q – S&G chart should show which S&Gs are removed in Alternatives 3 and 4.

Columns 3 and 4 of the handout distributed at the April 27, 28 and 29 meetings (http://www.fs.fed.us/r9/forests/alleggheny/projects/supp_eis/pub_meetings/april_2009/handouts/04_09_prelim_alts_handout_april_mtgs.xls)

shows which S&Gs are included in each alternative. S&Gs do not apply in an alternative where a data cell shows n/a, removed, or moved to intro.

Q –Are OGD companies given more rights in SEIS process?

All members of the public (including OGD companies) are able to participate in the SEIS process. There is no special preference given to any organization, group or person.

Q - Pg. 17 – Why are S&Gs not applicable in Alternatives 3 and 4?

The 2700 Section of the Forest Plan applies to issuance of special use permits for any purpose and is not specific to special uses associated with OGD, therefore this section is not included in Alternatives 3 and 4.

Q – Question about intro and how OGD S&Gs apply.

There are many standards and guidelines in the 2800 section of the Forest Plan that are administrative in nature, or related to the process regarding the development of reserved and outstanding oil and gas rights. These are not decisions that are made in the Forest Plan process. It is important, however, that these process steps are written down. At this point, we anticipate having an introduction to the standards and guidelines that pertain to OGD. We would include these kinds of process statements in that section.

Q – Are there wildlife species that are affected by fragmentation in the ANF.

Yes. Please refer to the 2007 Forest Plan FEIS pages 3-179 through 3-290.

Q – Will there be any impact as a result of the change in directive to pull OGD inspections back to Pa DEP from conservation districts.

We do not anticipate any change as a result of this. We work cooperatively with the PA DEP.

Q – Who made the decision to buy land for the ANF without the OGM rights?

In 1923, following passage of the 1911 Weeks Act, a determination was made by the Forest Service that national forest objectives could be achieved with the mineral rights separated from the surface. Consequently, under most of the surface land acquired by the ANF, the subsurface rights are privately owned, either by a third party (outstanding rights) or reserved (reserved rights) by the seller.

Q – Can you explain the difference between outstanding and reserved rights.

Outstanding mineral rights are those rights owned by a party other than the surface owner at the time the surface was conveyed to the United States. Reserved mineral rights (mineral reservations) were retained by a grantor in a deed conveying land to the United States.

Q – Can the ANF post on their website how ANF mineral rights relate to other national forests? Is the ANF really unique?

We are obtaining this information and will post it when it becomes available.

Q – Will all future planning on the ANF be contingent on how sub-surface owners access their OGM?

Future planning for ANF activities will consider existing roads.

Q – What percent of ANF budget is expended on OGD activities each year? Does OGD return funds to the treasury? What percent of timber revenue comes from OGD timber sales?

In FY 2009, approximately 11% of our allocated budget was specific to OGD activity. There are no royalties collected on private OGD activities. In FY 2008, timber volume from OGD sales accounted for approximately 19% of the total value of timber sales sold.

Q – Do we know what Total Maximum Daily Loads (TMDLs) are for streams/watersheds on ANF?

TMDLs have not yet been developed for streams on the ANF.

Q – How will the SEIS address monitoring?

We will consider whether or not additions to the monitoring plan are needed during the analysis completed for the SEIS. If changes are proposed to monitoring, they would be included in the introduction to the OGD standards and guidelines.

Q – How will we address desired future conditions (DFC) in the Forest Plan that are in conflict with OGD?

The Forest Plan contains long term goals and objectives that determine the desired future conditions expected to occur over time. Standards and guidelines are intended to provide the management direction needed to achieve the DFC. Monitoring determines whether or not the DFC is being met.

Suggestions for S&G changes/additions:

- Reclamation needs to be addressed in S&Gs.
- Snow plowing S&Gs should match those in the timber sale contracts.
- S&Gs should not allow the removal of snow to freeze the road in.
- Need S&Gs for water impoundments for hydro-fracturing operations.
- There should be S&Gs developed to address adverse impacts from noise.
- The ANF should enforce ESA rather than the operator. Erosion and sediment plan should be more specific as to what and who.
- Pg 18 – minimum is not specific enough.
- If chemical or material used in OGD has MSDS form, then there should be S&Gs for management according to MSDS on ANF.
- Water withdrawal applications should be reviewed by the ANF.
- Roads should be built to 'industry' standards.