



# Allegheny Defense Project

*Protecting and Restoring the Forests of the Allegheny Bioregion*

February 24, 2009

## VIA ELECTRONIC MAIL

Kent Connaughton, Regional Forester  
UDSA Forest Service  
Eastern Region – R9  
626 East Wisconsin Avenue  
Milwaukee, WI 53202

Dear Regional Forester Connaughton,

On January 16, 2009 Allegheny National Forest Supervisor Leanne Marten wrote a memo to “interested part[ies]” regarding two letters that she received from your office on the same day. Supervisor Marten wrote, in part, that:

“Both of these letters and their subsequent direction involve the oil and gas program on the Allegheny National Forest. My hope is that the sending of this memo, coupled with phone calls made and meetings held, helps ensure that this information is being widely shared.”

Unfortunately, ADP did not learn of these developments until February 2, 2009, over two weeks after your letters were sent to Supervisor Marten. We did not receive the letters from either your office or the Allegheny National Forest; nor did we receive a phone call or have any knowledge of “meetings” that were and/or are being held. We learned about the letters from a court filing by the Pennsylvania Oil and Gas Association (POGAM) rather than the Forest Service.

On February 4, 2009 I sent a letter to Supervisor Marten requesting answers to the following questions: 1) Why ADP was not contacted by the Forest Service; 2) What “interested part[ies]” have been contacted; 3) How many meetings have been held or are scheduled and who the participants of those meetings were/are.

I did not receive a response so I sent a follow-up email on February 12, 2009 requesting the above information. On February 17, 2009 Supervisor Marten responded by letter stating, “we acknowledge that your organization has a longstanding relationship with this Forest and appreciate your continued interest in resource management” and that “there was no intention to withhold information from anyone.”

Supervisor Marten goes on to explain that

“upon receipt of the memoranda, they were forwarded under a cover letter (attached) to outstanding and reserved mineral owners because of potential concerns about pending applications and access requests.” Then, Supervisor Marten explains that due to anticipated concerns about applications and access requests, the Allegheny National Forest “offered to meet with POGAM members on January

16<sup>th</sup>. We notified the Elk, Forest, McKean and Warren County Commissioners, and spoke with the Allegheny National Forest Vacation Bureau, Western Pennsylvania Conservancy, Pennsylvania Department of Environmental Protection Meadville Office and Pennsylvania Department of Conservation & Natural Resources, Bureau of Forestry, Clarion and Warren offices.”

Considering ADP’s “longstanding relationship” as an “interested party” in Allegheny National Forest issues, it is inconceivable that the Forest Service would exclude our organization from participating in this meeting. After all, ADP is a litigant in two of the four lawsuits on the Allegheny regarding oil and gas development issues, not the Allegheny National Forest Vacation Bureau. Here is just a brief overview of ADP’s involvement in management issues on the Allegheny over the years:

- Written numerous comments, administrative appeals and Freedom of Information Act requests regarding projects and activities on the Allegheny National Forest. Our comments regarding one project in particular, the Stone Pit Expansion Project, revealed the Forest Service was planning to do NEPA analysis for stone pit expansions to provide stone for oil and gas companies but were not analyzing the cumulative effects of the associated road construction. The Stone Pit Expansion Project was subsequently cancelled.
- Participated throughout the 5-year Forest Plan revision process. ADP filed extensive comments on the DEIS and PLRMP and filed an extensive appeal of the FEIS and revised LRMP that resulted in the Forest Service Chief issuing instructions, which led your office to announce that an SEIS will be prepared to address the Chief’s concerns.
- Collaborated with numerous organizations, including the Sierra Club, Presque Isle Audubon Society, Forest Service Employees for Environmental Ethics, Heartwood, National Forest Protection Alliance, American Lands Alliance, Wildlands Center for the Prevention of Roads and others to raise awareness about issues on the Allegheny National Forest.
- Collaborated with the non-profit aviation organization LightHawk to conduct flyovers of the Allegheny National Forest to get a birds-eye view of the extensive damage caused by oil and gas drilling. These aerial photos, along with photos from on-the-ground monitoring, were submitted to the Forest Service on numerous occasions.
- Received extensive local, regional, and national media attention, especially in the last couple years, regarding the Forest Service’s failure to regulate oil and gas drilling on the Allegheny National Forest.
- Intervened in *Duhring Resources v. U.S. Forest Service* as a Defendant to protect the Allegheny National Forest.
- Filed a lawsuit with Forest Service Employees for Environmental Ethics and the Sierra Club against the Forest Service for its failure to conduct NEPA analysis on oil and gas projects in the Allegheny National Forest. Importantly, the lawsuit was based on 34 Notices to Proceed that were obtained by ADP through a FOIA request.
- Conducted field surveys of erosion and sedimentation concerns related to oil and gas development with Forest Service personnel. On one occasion, the field survey led the Forest Service to shut down Minard Run’s oil and gas development in the Pigeon Run watershed.
- ADP members Jim Kleissler and Ryan Talbott secured protections for the Salmon Creek valley and Bear Creek old-growth in a settlement agreement with the Department of Environmental Protection and Pennsylvania General Energy.
- Put extensive public pressure on the Forest Service to not allow oil and gas development in the Allegheny Front National Recreation Area.

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- Raised awareness about the secret no-bid timber sale process the Allegheny National Forest uses on oil and gas developments.
- Works to educate state and federal legislators on Allegheny National Forest management issues.

The list could go on. It is obvious to our organization that we were deliberately excluded from this meeting since we have been the most vocal organization criticizing the Forest Service's policies, including its failure to regulate oil and gas drilling on the Allegheny National Forest. This is simply continuing the policy the Allegheny Forest Service has had for years – a policy that excludes organizations that disagree with it. The Forest Service cannot seem to separate itself from the industries it is supposed to regulate.

We are highly skeptical about the remainder of Supervisor Marten's response as well. For instance, Supervisor Marten claims that during the January 16<sup>th</sup> "session," the Forest Service

"did not provide any written information other than the memoranda and cover letters. No attendance records or notes were taken, so there are no documents to send you. We did not interpret or elaborate upon the content of the memoranda, but allowed them to speak for themselves. My intent was simply to efficiently give notice of the memoranda; we did not seek anyone's comment or input. Nothing other than the two memoranda was discussed."

If the Forest Service "did not provide any written information other than the memoranda and cover letters," "did not interpret or elaborate upon the content of the memoranda, but allowed them to speak for themselves," and "did not seek anyone's comment or input," what was the point of the session and how could it last nearly 30 minutes? Furthermore, it is quite contradictory to claim the Forest Service "did not interpret or elaborate upon the content of the memoranda, but allowed them to speak for themselves," while simultaneously claiming that, "nothing other than the two memoranda was discussed."

There is another contradiction in the next paragraph. Supervisor Marten claims that "since January 16<sup>th</sup> I have held no additional meetings or calls on these memoranda." But in the very next sentence, Supervisor Marten states that she "met on February 3<sup>rd</sup> with the President of the Warren County Business Chamber at his request and briefly summarized the memoranda." If this had been a transparent public process from the beginning, there would be no need to speculate about this.

It is patently absurd that the Forest Service would somehow consider ADP's interest in the Allegheny to be less than that of the oil and gas industry, the Allegheny National Forest Vacation Bureau and the Warren County Business Chamber. After all, ADP participated as an intervenor in the oil and gas industry's forest plan appeal resolution meeting with the Forest Service in Erie last year. The other organizations mentioned above did not – yet, the Forest Service somehow decided it was prudent to include these organizations in the January 16, 2009 session while excluding ADP.

Finally, we have also heard of a national meeting that was held in Milwaukee regarding the upcoming rulemaking and what is occurring on the Allegheny National Forest. Again, the Forest Service did not inform ADP of this meeting. The Forest Service cannot continue this discriminating policy whereby it meets only with those that have commercial interests and selectively choosing organizations from the conservation community while deliberately and repeatedly excluding other "interested parties" and the public.

We request that Region 9 hold a public meeting in the Allegheny National Forest region to discuss these memos so that everyone has an opportunity to be heard, not just those select individuals and organizations that the Forest Service unilaterally decides should be heard.

Please feel free to contact me at your earliest convenience at (814) 221-1408.

Thank you,

*/s/ Ryan Talbott*  
RYAN TALBOTT  
Forest Watch Coordinator

Enclosures: Supervisor Marten's January 16, 2009 memo to "Interested Part[ies]"  
Supervisor Marten's February 17, 2009 response to ADP