



Cryptobranchus alleganiensis, the Hellbender

Allegheny Defense Project

Protecting and Restoring the Forests of the Allegheny Bioregion

May 28, 2009

Gail Kimbell, Chief
U.S. Forest Service
1400 Independence Avenue
SW
Washington, D.C. 20250-0003

Dear Chief Kimbell:

On February 15, 2008 your office issued three instructions to the Allegheny National Forest as part of your decision on the appeals of the Record of Decision (ROD) for the Allegheny's Revised Land and Resource Management Plan (Forest Plan). The three instructions stated:

1. The public was not provided the opportunity to comment on substantial changes made to the design criteria as it applies to private oil and gas development[...]I instruct you to provide the public the opportunity to comment on these changes in accordance with FSH 1909.15, Chapter 18.2.
2. I instruct you to incorporate language in the ROD, Revised Plan and FEIS to clarify the Allegheny NF's authority to manage oil and gas activities...[the Forest Service also has responsibility to ensure surface resources are protected [from oil and gas drilling].
3. I find that the disclosure of cumulative effects of OGD on Allegheny NF air quality as well as impacts to regional air quality does not fully comply with NEPA regulations at 40 CFR parts 1502.16 and 1508.7. Therefore, I instruct you to more fully document the cumulative effects of OGD on air quality. I further instruct you to follow the agency policy for consideration of new information to determine actions that may be necessary.

On January 16, 2009 Kent Connaughton, Regional Forester for the Eastern Region (R9), issued a memo stating,

The appropriate means to respond to these instructions is via a Supplemental Environmental Impact Statement for the 2007 Forest Plan.

It is unclear why it took nearly a year to decide to prepare an Supplemental Environmental Impact Statement (SEIS) – during this time, nearly 1,000 oil and gas wells were drilled in the Allegheny – but, now that the process is underway, ADP looks forward to working with the Forest Service to ensure that your office's instructions are followed. Unfortunately, we already have concerns about the Forest Service's public outreach through the SEIS process as well as another EIS process that is currently underway.

On March 5, 2009 the Forest Service issued a news release about the first three public meetings on the SEIS. The three meetings were held in Warren, Bradford and Clarion, PA on March 9th, 10th and 11th, respectively. On a March 24, 2009 conference call regarding the SEIS, Forest Supervisor Leanne Marten was asked where the next round of public meetings, scheduled for April 27th, 28th and 29th, would be held. Supervisor Marten's response was:

Allegheny Defense Project, 117 West Wood Lane, Kane, PA 16735;
(814) 221-1408; www.alleghenydefense.org

We will have the next round of meetings in the same locations as the previous ones. The dates are posted on the website. We believe we reached a good cross-section of people, and received many good questions and comments.¹

Only 9 members of the public attended the last meeting held on April 29, 2009 in Clarion, PA. This represents a waste of Forest Service resources and a total failure to reach a good cross-section of people.

The Forest Service has also announced its intent to prepare a Forest-Wide EIS to consider the environmental impacts of oil and gas drilling projects that are proposed between 2010-2013. The Forest Service chose to prepare this Forest-Wide EIS to comply with the terms of a Settlement Agreement reached between the agency and Forest Service Employees for Environmental Ethics, ADP and the Sierra Club. The Forest Service hosted three public meetings to discuss the Settlement Agreement and announce its intention to prepare the Forest-Wide EIS. The three public meetings were held on April 13th, 14th and 15th in the same locations: Warren, Bradford and Clarion, PA.

During the question and answer phase at one of the meetings, Supervisor Marten was asked again if the Forest Service plans to host meetings for either the SEIS or the Forest-Wide EIS in locations other than Warren, Bradford and Clarion and Supervisor Marten's response was an emphatic "no."

In light of your office's explicit rebuke of the Allegheny National Forest's previous public notice and comment failures in the 2007 Forest Plan FEIS, it is troubling that the Allegheny National Forest would choose a path that deliberately narrows the range of interested members of the public to participate in these important meetings about two major EIS's that will have long-term implications for Pennsylvania's only national forest. If the Forest Service continues down this path as currently scheduled, it will have held 24 public meetings regarding these two EIS's in the same rural area within or adjacent to the Allegheny National Forest.

All of these towns have a similar economic dependence on extractive industries that use the Allegheny for such extraction. Planning for a national forest, however, must go beyond seeking input from local and parochial interests and include a wider, more diverse focus. National forests are not to be managed only for and by the nearby/local population, but this "public process" is attempting to do just that. Despite Supervisor Marten's statement that the Forest Service believes it has "reached a good cross-section of people," the truth is that by holding all of these meetings in the same geographic area, the Forest Service is being exclusive, not inclusive.

While it is obviously important to include local citizens and host meetings in the Allegheny National Forest region, it must be noted that the Allegheny is within a day's drive of one-third of the U.S. population – it is no less important to include citizens that live outside the immediate region and host meetings in locations where a broader cross-section of citizens with more diverse opinions have an opportunity to voice their concerns in a public forum. Many people that visit the Allegheny National Forest live and work beyond the boundaries of the Allegheny National Forest and northwestern Pennsylvania. As the 2007 Forest Plan FEIS states regarding the "geographic" and "influence" areas of the Allegheny:

Regional influence extends to the Pittsburgh area and to the Youngstown-Cleveland area in Ohio. (p.

¹ http://www.fs.fed.us/r9/forests/allegheny/projects/supp_eis/documents/3_24_Conference_Call_Q_A_updates.pdf

3-1)

According to the underlying forest planning documents prepared during Forest Plan revision,

Finally, the broader region from which the Allegheny National Forest draws most of its users includes the metropolitan areas of Pittsburgh and western Pennsylvania, Cleveland and northeastern Ohio, and Buffalo and western New York.²

The Forest Service is not “reach[ing] a good cross-section of people” by holding 24 public meetings within and immediately surrounding the Allegheny when it knows full well that the Allegheny “draws most of its users” from “the broader region” that “includes the metropolitan areas of Pittsburgh and western Pennsylvania, Cleveland and northeastern Ohio, and Buffalo and western New York.” Instead, the Forest Service is disproportionately giving the oil and gas industry opportunities to be heard – both Warren and Bradford have oil refineries and it is very easy for those who work in the oil and gas business to attend meetings at these locations and times.

The Forest Service is not affording those same opportunities to the backpacker from Pittsburgh or the weekend camper from Buffalo who enjoy visiting the Allegheny but cannot drive three hours on a work night to a public meeting and then turn around and drive three hours home. Oil and gas drilling has a profound impact on the interest of many recreational users in the Allegheny. In fact, the 2007 Forest Plan FEIS states,

As a result [of oil and gas drilling], those seeking a more remote and less developed recreation experience could be displaced to other State or National Forests where semi-primitive recreation experiences are more readily available.³

This situation transpired, in large part, because the Forest Service ignored its legal obligations to conduct NEPA analysis on oil and gas drilling projects and include the public in the decision-making process. The Forest Service even failed to consider oil and gas drilling a significant issue during Forest Plan Revision over the continuous protests of the public. Now that the Forest Service is at long last attempting to comply with the law, it is doing so in a way that prejudices those most affected by oil and gas drilling – the citizens that look toward their national forests for recreation. Indeed, the Forest Service acknowledged in the planning files for Forest Plan Revision that,

[Forest value orientations] were strong predictors of the importance of all six management requirements. Respondents’ FVOs were predicted, in turn, by age, gender and rural or urban upbringing. Those who expressed protectionist FVOs tended to be younger women who grew up in urban areas. The relationship of FVOs to age and rural-urban differences is consistent with studies suggesting that value orientations in the U.S. and other developed countries are becoming less utilitarian and more protectionist...⁴

The Forest Service knows from its own social analyses that those who reside in more urban areas tend to have different views than those residing in rural areas. Despite this, the Forest Service continues to make it difficult for urban residents to participate in public meetings. These citizens

² USDA-FS. Social and Economic Sustainability. Draft Analysis of the Management Situation. p. 1.

³ USDA-FS. 2007 Forest Plan Final Environmental Impact Statement. p. 3-327. Allegheny National Forest. Warren, PA.

⁴ USDA-FS. Social and Economic Sustainability. Draft Analysis of the Management Situation. p. 1. Allegheny National Forest. Warren, PA.

who use the Allegheny for recreation have no less of a right to be heard than the oil and gas companies that own or lease subsurface minerals. Unfortunately, this mirrors what the Forest Service did in the Recreation Facility Analysis on the Allegheny – the Forest Service held just one public meeting in Sheffield, PA, which is in the middle of the Allegheny, without holding any other meetings in “the broader region from which the Allegheny National Forest draws most of its users.”

The Forest Service’s current policy is inconsistent with its previous policies during Forest Plan revision. While the Forest Service did not hold any public meetings in major urban areas such as Pittsburgh, Cleveland or Buffalo, it did hold public meetings in Erie, State College, Harrisburg and Mars, PA. The Forest Service should, at the very least, hold meetings in these areas as well as holding meetings in Pittsburgh, Cleveland and Buffalo.

Our hope is that by bringing this to your attention early in the process, the Allegheny National Forest will remedy the situation and avoid further instructions having to be filed by your office regarding the agency’s compliance with NEPA in the context of public participation. We urge the Forest Service to reconsider its public meeting schedule and hold meetings in “the broader region from which the Allegheny National Forest draws most of its users...[]the metropolitan areas of Pittsburgh and western Pennsylvania, Cleveland and northeastern Ohio, and Buffalo and western New York.” That way, the Forest Service truly reaches a good cross-section of people.

If you would like to discuss this matter, please call me at (814) 221-1408.

Sincerely,

/s/ Ryan Talbott

RYAN TALBOTT

Forest Watch Coordinator

Allegheny Defense Project

cc: Regional Forester Kent Connaughton
Allegheny National Forest Supervisor Leanne Marten
Rep. Kathleen A. Dahlkemper
Rep. Glenn “GT” Thompson
Sen. Robert P. Casey
Sen. Arlen Specter