

The Bradford Era



Sisson's
CHAINSAWS
& STOVES, INC.
172 Main Street • Salivar, NY
(585) 928-2530

12:30 pm
Currently: 26
Click here for a 15-day forecast!

RealFeel® High: 22
Humidity: 65.38225556
Winds: WSW at 6 mph

Home | News | Sports | Events | Obituaries | Classifieds | The Hot Topic | Photo Gallery | Fun & Games | NIE | Yellow Pages | Contact Us

Times Herald | Salamanca Press

Search



HERITAGE SUITES
EXECUTIVE LODGING

ALL-SUITES HOTEL
BUILT FOR
BUSINESS & PLEASURE

139 Minard Run Road • Bradford, PA 16701
814-362-6820 • 1-800-522-0626 • www.heritagesuites.com



EMPLOYMENT

News:

Coalition sues Forest Service over NEPA analysis for oil and gas wells throughout the Allegheny National Forest

By KYLE MILLIRON
Era Reporter
kylem@bradfordera.com

A coalition of environmental groups and forest service employees sued the U.S. Forest Service on Thursday for not requiring NEPA analysis for a number of oil and gas wells throughout the Allegheny National Forest.

Under the National Environmental Policy Act, federal agencies must evaluate any federal action that may impact the surrounding environment. NEPA includes an environmental impact statement (EIS), environmental analysis (EA) and the agencies must allow the public to comment on the project.

The Forest Service has not required a NEPA analysis for recent oil and gas exploration on the forest, prompting the lawsuit on behalf of the Allegheny Defense Project, the Sierra Club and Forest Service Employees for Environmental Ethics.

The lawsuit refers to six instances when the Forest Service issued notices to proceed without NEPA. The suit seeks to prevent forest officials from issuing a "notice to proceed" unless a NEPA analysis is conducted.

The point of contention between the environmental groups and the Forest Service is rooted in the fact that more than 90 percent of the forest's subsurface is owned privately, and under state law the mineral estate is the dominant estate. With this in mind, private producers claim that surface owners — in this case the Forest Service — must grant mineral-right owners access to the subsurface.

Steve Rhoads, executive director of the Pennsylvania Oil and Gas Association, says since subsurface owners have a right to access their property, oil and gas exploration is not a federal action, eliminating the need for a NEPA analysis.

"We are co-owners of the forest; we share ownership," Rhoads said. "We have a mutual obligation to respect each other's rights. This is just an attempt to monkey wrench the operations out of the forest. We disagree that the federal government should have to give us permission to access our rights. They are just another landowner."

The environmental groups disagree with Rhoads' interpretation of what constitutes a federal action.

Ryan Talbott, forest watch coordinator for the ADP, argues that since the Forest Service must issue a "notice to proceed" before private producers can begin drilling, NEPA is required.

"When the Forest Service issues the notice to proceed, it has taken a federal action," Talbott contended. "When they determine a standard of reasonableness, the public needs to be heard."

In referring to reasonableness, Talbott is citing the 1984 Pennsylvania Oil and Gas Act that says surface owners must grant reasonable access to split-estate mineral owners. Since the forest surface is public property, Talbott argues the public, not just the Forest Service, should have input as to what constitutes reasonableness.

Other national forests do require NEPA for similar situations.

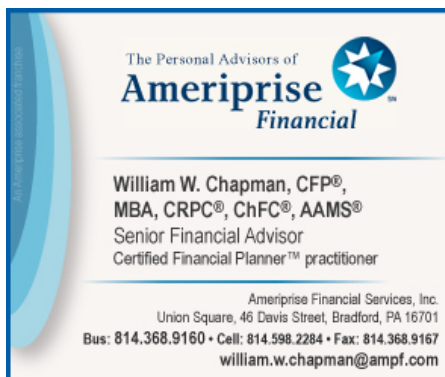
In July 2007, officials from Ottawa National Forest in Michigan began a NEPA analysis on a request from Trans Superior Resource Inc., to explore private mineral rights under the forest's surface. Officials from ONF prepared an Environmental Impact Statement and an Environmental Assessment, as well as soliciting public input on the project.

Marianne Dugan, lead attorney for the forest lawsuit, said the Allegheny National Forest stands alone in not requiring NEPA for exploration.

"Every other national forest that issues notices to proceed on a severed estate requires NEPA," Dugan said. "We aren't saying they can't drill. There just needs to be public disclosure and transparency."

Rhoads said that POGAM may intervene on behalf of the forest, adding he didn't think the Forest Service would defend themselves as "vigorously" as they should.

"This could undermine all the production on the Allegheny National Forest," he said.



The Personal Advisors of
Ameriprise Financial

William W. Chapman, CFP®,
MBA, CRPC®, ChFC®, AAMS®
Senior Financial Advisor
Certified Financial Planner™ practitioner

Ameriprise Financial Services, Inc.
Union Square, 46 Davis Street, Bradford, PA 16701
Bus: 814.368.9160 • Cell: 814.598.2284 • Fax: 814.368.9167
william.w.chapman@ampf.com

More News

Six-year-old uses fire safety education to save family

KOA Speer offering voluntary layoff for December

Coalition sues Forest Service over NEPA analysis for oil and gas wells throughout the Allegheny National Forest

McKean County Commissioners accept bid for county jail equipment; take action on receiving timber receipts from Allegheny National Forest

Broadway show "Cats" slated for Bradford performance

Rustick LLC takes another step in plan to bring trash in by rail, expand county landfill

Agency releases report on children in foster care

Bradford Regional Medical Center sees plenty of changes over past year



Take Our Web Survey.
Click Here!



OGH
OLEAN GENERAL HOSPITAL

World Class Imaging





CLICK HERE

24 Hour Physician Staffed Emergency Room

www.ogh.org

There is no trial or witnesses in federal cases like this, Dugan said. Counsels for the Forest Service and the environmental groups will plead their cases in writing and then in person come spring 2009, she added. Until then, Dugan said, she will seek an injunction against the Forest Service to require NEPA on all oil and gas exploration until the federal court makes a decision.

 printer friendly version

 e-mail this story

Copyright ? 1995 - 2007 Townnews.com All Rights Reserved.

Send us your community news, events, letters to the editor and other suggestions.