**Comments on the Environmental Assessment for the Orphan Well and Abandoned Mine Project**

The choice of not pursing an alternative to the proposed action begs the question why not? The EA briefly touches on the need for ALL of the sites to be considered forest wide because they are fixed in place. Using that rationale, the EA states that following the existing Forest Plan would make the FS follow existing rules. There is no evaluation or suggestions of any alternatives other than if the FS cannot implement the proposed action with amendments, it would impede the ability to choose projects for reclamation. What would existing rules actually impede? That is not explained.

*Alternative with No Plan Amendment or Guideline Departure*

*As described above, the proposed action includes a departure from two guidelines and a project-specific amendment that would exempt the Orphan Wells and Abandoned Mines Project from four different Forest Plan standards. The interdisciplinary team also considered an alternative that would not require a project-specific amendment or guideline departures and would be implemented in full compliance with the Forest Plan. The team chose not to pursue this alternative further because it would be less effective in meeting the project’s purpose and need and because the proposed action would lead to improved project results while still ensuring protection of resources.*

*One key factor that influenced the decision not to pursue an alternative without plan amendments is the fixed location of orphan wells and AML sites. Often, when the Wayne National Forest plans projects, the location of the proposed action is flexible and can be adjusted to avoid impacts to sensitive resources. In the case of orphan wells and abandoned mines, the location of the feature to be addressed is fixed in place. There may be some degree of flexibility on the placement of access routes and other features, but the action must occur at the site of the well or the mining feature.*

Another EA rationale implies that if there appears to be no objections, presumably through scoping there is no need to consider alternatives because there is no disagreement. *Forest Service NEPA regulations and directives require an Environmental Assessment to include a proposed action and alternative(s) (36 CFR 220.7(b)(2)). No specific number of alternatives is required, and when there are “no unresolved conflicts concerning alternative uses of available resources…the EA need only analyze the proposed action and proceed without consideration of additional alternatives.” (36 CFR 220.7(b)(2)(i)). “When scoping indicates an agreement about the proposed action, there is no need to develop additional alternatives*”

This is flawed and the WNF knows it. According to the EA, there was one comment during scoping, supportive of the project. That comment is not on the public reading room site, or at least I did not find it. The WNF has known for a very long time that people throughout Ohio and throughout this country care deeply about their forests. **OUR** forests. To assume there are no concerns or being surprised that no one responded to the scoping is an egregious error on the part of the FS. If anyone saw the notice, it was likely ignored because it states that wow…the feds are giving us money to clean up oil and gas well and mine sites. Also, there are very few people who subscribe to the Messenger because it is such a horrible newspaper. Even emails were ignored. An email was sent ONE time and the assumption made that everyone who needed to know was notified.

*“Engaging diverse perspectives and potential contributions of the American people across the country early and throughout the planning process is essential to 21st Century Forest conservation management.”* This is your guidance. The only way to assure the public that you have done everything possible to meet this goal is to reach deeper into the communities you know are interested. Reaching to the people who have engaged in FS interests for decades. The FS has no trouble working with people to promote and improve the Bailys Trail system and gets kudos and headlines for your collaboration. There has been no genuine attempt at engagement through this planning process, therefore no collaboration. Even if people submit objections, there is no promise of collaboration to ensure each site considered for reclamation has all protections needed.

Is there a remedy? It would be a surprise if the FS promised to engage the public and heed the concerns of the many people who submitted comments. I hold out little hope when the FS has already set a standard for dealing with controversial issues such as what was presented in the planning process for the updated Forest Service Plan. Dismiss the facts and the science and amend a way through management practices to suit the needs of any Forest Supervisor who stays with the community for 2 or 3 years.

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