

## **ACFAN Comments on the WNF Orphan Well and Abandoned Mine Project EA 1/20/22**

From a reading of this Environmental Assessment (EA), one can only conclude that the Wayne is proposing major exemptions to its mandated Forest Plan rules in order to “be in compliance” with a thus eviscerated Plan. George Orwell would have a heyday with such obviously circular reasoning.

The lack of response to the scoping and EA from the public or any interested party to date is likely due to four important reasons. First, the science that challenges this proposal has already been extensively presented to the Wayne by many individuals and groups (see for example the Wilderness Society/Ohio Environmental Council January 2019 comments on the Plan Revision and the Ecological Forest Management Working Group’s 100+ page annotated bibliography). This science has been completely ignored, the public’s input curtailed, and the necessary new Plan abandoned, leaving the Wayne with a totally inadequate outdated Plan, weakened profoundly even further with this Project’s exemptions. Two, the public’s disappointment and disgust with the 2021 cancellation of the new planning process for the Wayne National Forest that we had worked on extensively and painfully for two years left many of us with no confidence in the WNF’s willingness to address difficult issues or any trust that the Wayne would this time respond to public concerns and knowledge about the forest and the Wayne’s environmental responsibilities and impacts. Three, the Scoping document issued in August 2021 gives no indication that exemptions were to be sought for major environmental guidelines of the Forest Plan. There were no warning signs in that document that the Wayne would try to abrogate its legal responsibility to abide by its Forest Plan. And four, the EA was issued during the holidays, yet another slap in the face to the people who would be disturbed by this project’s exemptions of old-growth, sensitive habitats, wetland, and bat protections from environmental evaluation. Contrast this treatment to the FS’s ready accommodation of ORV users, who had whined about access, with a recent amendment to the 2006 Plan allowing ORV users *more* time to disturb the Forest and its inhabitants, in contrast to other eastern National Forests that ban the high-impact practice.

The project to deal with abandoned mines and orphan wells is important. What might and will be sacrificed needs much discussion and environmental costs and benefits assessed and disclosed before sites are chosen. USFS must step up to the task. This EA cannot be approved by the Forest Supervisor as is. The very idea that no alternatives were offered is an offense to those who have objected to inadequate protections of Forest resources, demonstrating that every inch of the WNF is vulnerable to long-lasting detrimental impacts by the reclamation projects.

- Where are the maps that would show the wells to be plugged? The wells that have been plugged? The areas that would be affected by the proposed Plan exemptions?

- Where are the data to show the extent of emissions and pollution to be curtailed and the extent of the harm to the Forest from Project activities?
- The EA refers to the Forest Plan for the guidance in this EA. There are no links or references to page numbers that can be accessed to understand what guidelines or framework the EA refers to. A 16-year old Plan does not offer any assurance that the best science practices for managing projects in the forest will be used, especially when years of effort were put into a new planning process, a process then curtailed and dismissed by the Forest Supervisor in 2021.
- The 2006 plan states that 128 abandoned wells would be cleaned up. The EA states that 200 wells and 100 mines will be reclaimed. How many of those 128 wells have been plugged and reclaimed, and where are they? What were the costs and benefits of those projects in terms of forest impacts and emissions reductions? The public should be able to look at the design criteria and analyses for those wells and mines to evaluate the environmental impacts.<sup>1</sup>
- The EA should have maps and locations of all the known abandoned wells and mines. Omitting that from the EA leaves everyone completely in the dark about where projects could take place. This information is necessary to be able to comment on whether the “design criteria” for a site chosen by the FS does in fact provide protections to wildlife, plants, old growth, etc . Omission of this information demonstrates a profound lack of accountability by FS.
- There is no priority list for what wells and mines are most important to mitigate and why. There is no mention of current impacts or impacts of remediation, such as methane emissions, ongoing unabated pollution and long-term effects of that pollution, erosion, carbon emissions, introduction of NNIS, habitat loss, etc. The study cited in the EA by Townsend-Small et al. 2016, does identify a few wells on federal lands that have

<sup>1</sup> Table B-5 of “Appendix B – Probable Practices; Goods to be Produced” to the 2006 Wayne National Forest Plan states, in part:

<b>Estimated Practices (Forest wide) – Decade 1</b>				
Table B - 5 lists other Forest management activities that are proposed to work toward the desired conditions and objectives during the first 10 years of plan implementation.				
<b>Table B - 5. Estimated Practices (Forest-wide), Decade 1.</b>				
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<b>Activity or Practice</b>		<b>Unit of Measure</b>	<b>Estimated Amount for First Decade</b>	
Oil and Gas well development		wells	Up to 234	
Reclamation of depleted or Orphan wells		wells	Up to 128	

<sup>2</sup> <https://agupubs.onlinelibrary.wiley.com/doi/full/10.1002/2015GL067623>

<sup>3</sup> Pg 24 of the EA. 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.

measurable methane leaks.<sup>2</sup> ALL of the wells considered should be analyzed for level of methane leaks to understand their current and projected contribution to environmental harm in relation to quantified harms of planned interventions. WHERE ARE THE MAPS? Where is the data?

- The EA and Exhibit A are confusing, contradictory, and hard to navigate. One refers to the other, which refers right back to the first.
- An alarming thread in the EA is the contradiction between its blanket exemptions and its empty assurances of a sound ecosystem and adequate protection of sensitive areas, bat habitat, old growth, wetlands, and sensitive species of plants. There cannot be a guarantee of protection if the EA states that if a bat taking is necessary, the USFW will be notified, because USFW is notorious for blanket approval of takings. There should be NO project where bat habitat or hibernacula are disturbed! That is the language needed in the EA. A site-specific analysis does not guarantee protection and has no transparency or public oversight.
- The EA with its plan amendment contradicts the Forest Plan's protection of the Indiana Bat and the Northern Long Eared Bat, in a Plan written and implemented *before* WNS. The exemption SFW-TES-10 concerning roosting trees contradicts protection of the threatened species. How does the FS justify ANY bat takings or destruction of habitat when the species is so threatened? ([usgs.gov/news/national-news-release/white-nose-syndrome-killed-over-90-three-north-american-bat-species](https://www.usgs.gov/news/national-news-release/white-nose-syndrome-killed-over-90-three-north-american-bat-species): "White-nose syndrome has killed over 90% of northern long-eared, little brown and tri-colored bat populations in fewer than 10 years, according to a new study published in Conservation Biology." Researchers also noted declines in Indiana bat and big brown bat populations.")
- This applies to hibernacula as well. The FS plan to disturb hibernacula and assume the bats will find another place for hibernation is completely without scientific basis. Quoting from the EA (p. 38): "*The biologist determined that the proposed action may affect and is likely to adversely affect Indiana bats and northern long-eared bats.*" The EA should not allow any bat habitat or hibernacula disturbance, which will lead to possible taking of these bats.
- S-FOF-VEG-1 & S-FOFM-VEG-1: *Cut trees only when necessary for public safety.* This exemption to cutting old growth forest is unacceptable. The FS reasoning for this is to allow a project to go forward, regardless of the evidence that old-growth trees are essential to the health of the forest and the vital role they play in CO2 removal. (See for example, Kevin J. Beiler, SW Simard, and DM Durall. *Topology of tree–mycorrhizal fungus interaction networks in xeric and mesic Douglas-fir forests*. **Journal of Ecology**, February, 2015, doi: 10.1111/1365-2745.12387). With over 200 potential wells to be plugged and 100 mine areas to be reclaimed, removal of old growth forest should not be an option to allow the project go forward without a full environmental impact study

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that addresses the benefits and costs of the action in relation to forest destruction and impacts on climate, air, and water resources.

- The impacts of compaction for logging, “temporary” road building, and movement of equipment must be assessed. See for example, Hartmann, Martin et al., “Resistance and resilience of the forest soil microbiome to logging-associated compaction,” *The ISME Journal* 8: 226-244 (2014): “Compaction significantly reduced abundance, increased diversity, and persistently altered the structure of the microbiota. Fungi were less resistant and resilient than bacteria[.] [...] Compaction detrimentally affected ectomycorrhizal species[.] [...] This study demonstrates that physical soil disturbance during logging induces profound and long-lasting changes in the soil microbiome and associated soil functions[.]” ...“Soil compaction has been recognized as a major disturbance associated with forest management. Economically efficient harvesting requires the use of heavy machines, causing severe compaction of the soil particularly during wet conditions and along skid trails and landings. Alterations in soil porosity affect pore connectivity, water infiltration, air permeability, temperature, rooting space, nutrient flow and biological activity, often resulting in increased surface runoff, soil erosion, nutrient leaching and greenhouse gas emission. As a consequence, the soil system can suffer substantial, persistent and sometimes irreversible damage, which ultimately reduces forest productivity and ecosystem functionality. Given that the affected area can range between 10 and 40% of the total logged stand, the impact on the ecosystem can be substantial.” (p. 226-227) NOTE that the USFS received this study years ago. IT IS NOT NEW. It should have been taken into account in your current project proposal. WE HAVE PROVIDED THIS SCIENCE ALREADY! You continue to ignore the science and the public’s repeatedly expressed concerns, and then you have the gall to say that there are no objections to this project, when your scoping document makes no mention of Plan exemptions and when we have given you this feedback and material ALREADY and it has been TOTALLY ignored.
- There is no explanation of how extensively roads will be built or how they will be reclaimed. How many new roads will be needed? Will the gravel be removed? How will the roadbed be reclaimed? Again, even with the so-called design criteria, road building and its impacts are not adequately addressed in the EA. No one can believe that the average disturbance will only be 1.6 acres on a well site or 3 acres on a mine site that includes roads. Again, choosing a reclamation site needs to be identified *before* a project is chosen. There should be input from more than FS employees to take the hard look NEPA requires for decision-making.
- SFW-TES-32: *Protect and improve occupied Regional Forester sensitive species habitat.* (pg 25 of the EA) *This standard aims to protect Regional Forester Sensitive Species (RFSS) by preventing harm to their occupied habitats. However, as stated above, orphan wells and abandoned mines are fixed in place and it may not be possible to avoid impacts to occupied RFSS habitat. In many cases, project implementation could result in improved*

*habitat for RFSS, especially in the long-term. However, full habitat protection, especially in the short-term, may not always be compatible with the proposed action*<sup>3</sup>. This exemption cannot seriously be considered because it disregards the potentially highly significant and long-term impacts of habitat destruction.

- “Is the well to be plugged actually leaking?” is the first question that must be addressed.
- How extensive will the harm be that will result from habitat destruction and forest disturbance? Determining these potential impacts must include evaluation of likely soil emissions, destruction of mycorrhizal networks and other ecosystem and biodiversity impacts, lost carbon sequestration, air and water quality impacts, and climate implications.

The EA and Exhibit A appear to be saying that it is mandatory for those implementing the project to *try* to prevent harm or at least not *too much* harm. This is not acceptable - it is not how a Forest Plan works or in accordance with NEPA. This proposal makes a mockery of federal environmental law and regulation.

The overwhelming conclusion one must draw from these documents is that the FS is providing no information on why, what, where, or how this project will be conducted, such that the public cannot anticipate problems to be addressed in comments at this point in time. It is therefore imperative that the public be given information on potential sites, why they are prioritized, and the conditions of those sites - methane emission levels, composition of forest with species, number of trees and dbh data, sensitive species habitat, and other factors that will affect impacts - ***before sites are selected***.

We look forward to a response to these questions and concerns. This EA certainly defies the intent of federal environmental law and shows a disregard for government oversight, transparency, and public engagement and. We hope to see these problems rectified.

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