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**The Orphan Wells & Abandoned Mines Project #60618**

Dear Dan Giannamore, NEPA planner and Supervisor Gilbert,

The Ohio Sierra Club Forests and Public Lands Committee submits the following comments regarding the Orphan Wells and Abandoned Mine Project #60618. It is of considerable concern that the USFS released this comment period on December 21, 2021 during the well established religious holidays of many and during the uptick of a pandemic. The challenges for public engagement during a 30 day window are great during any calendar year yet the timing of this EA comment period is specifically inappropriate and non-respectful for the Wayne citizenry.

Although this project has the potential to mitigate greenhouse gas emissions, methane and legacy water impacts, the EA appears to provide an opportunity for greater impacts to the forest releasing greenhouse gas emissions as well as ecological impacts impacting threatened, endangered and sensitive species. It is of great concern that this EA provides an apparent carte blanche of USFS actions through the supervisor exemption of Forest Plan Standards SFW-TES-10, SFW-TES-32, S-FOF-VEG-1 and S-FOFM-VEG-1 and two guidelines. In addition to the project-specific plan amendment of these four standards, the proposed action includes a departure from two Forest Plan guidelines: • GFW-ARR-23: Avoid adverse impacts to ephemeral wetlands during ground-disturbing activities. • GFW-TES-6: Conduct pre-gating and post-gating mist net surveys at mines where bat-friendly gates are installed, in relation to Project #60618.

**The project proposed through the scoping, EA and EA Implementation documents must address the following:**

1. **Concern:** References to specific pages in the 2006 Forest Plan –how is a citizen to review the materials provided by the EA without references to pages to review and analyze?

2. **Concern:** Provide information on what specific projects will be implemented and the process for prioritizing these projects.
3. **Concern:** A map of wells on the Wayne and the level of prioritization of addressing those wells. How many wells have been capped/plugged under the 2006 Forest Plan? Please provide the costs of these interventions, the outcomes and general footprint of such actions while quantifying the carbon emissions, acreage, tree volume, species, and numbers of trees a projected symbiotic species impacted. What were the projected remedied greenhouse gas emissions from such actions?
4. **Concern:** A map of legacy water systems and the level of prioritization of addressing these impacted waters.
5. **Concern:** An overlay of wells, legacy water systems identified and planned to be remediated with ecological areas identified that maintain populations of endangered, threatened and sensitive plant and animal species.
6. **Concern:** The value of larger trees for carbon sequestration and climate health must be integrated into any plan that the Wayne proposes and assurances regarding their protections.
7. **Concern:** The 2006 Forest was initiated without reference to climate change and the Nelsonville Bypass (placed in the addendum although approved) and the significant declines to species as the Indiana Bat and Northern Long Ear Bat before the actualization of WNS. The Wayne continues to use the USFWS 2005 Biological Opinion for takings of these bats.  
<https://www.usgs.gov/news/national-news-release/white-nose-syndrome-killed-over-90-three-north-american-bat-species>. The referencing to this document as a resource for forest planning is not acceptable by these reviewers. The USFS must address the climate crisis and sixth extinction in their forest planning and documents.
8. **Request: A response to the question initiated by ACFAN comments** “How will the public get to weigh in to assure that destruction of “mature” and old-growth trees, bat and other sensitive species habitat, and wetlands will not occur, since the Wayne has exempted itself from obligation to protect these Forest resources? (The Wayne has a history of logging 60-80 year-old trees, selling them at give-away prices to the logging industry, having labeled them “mature,” though these trees are young in terms of their natural lifespans of 200-400 years or more.)”
9. **Of concern, decision process: Decision Framework from EA (page 15)**

The supervisor has decided not to provide an alternative as there were no objections in the scoping process. The use of a true EIS analysis seems to be abandoned in Wayne actions and therefore does not address the many impacts of this large project on the forest. This is not acceptable.

From the plan: “The Forest Supervisor is the Responsible Official for the Orphan Wells and Abandoned Mines Project. In that role, the Forest Supervisor will make two decisions. The first decision is to select an alternative for the Orphan Wells and Abandoned Mines Project. This decision may include protection measures known as design criteria and mitigation measures in addition to standards and guidelines from the Forest Plan.

The scope of this decision is confined to a reasonable range of alternatives that would meet the identified purpose and need. This project is subject to the pre-decisional administrative review process described in 36 CFR 218, subparts A and B. There were no alternatives offered and the exclusion of such does not need to be no other alternatives.”

**10. Concern: With the exemption from Forest Plan standards in the project per the decision of the supervisor it is not clear to the reviewer what protections are in place to species and surface disturbances if the Wayne is exempting its own dated plan.**

**Standards that will be exempted from this project and what they say:**

**SFW-TES-10**

“During the non-hibernation season (April 15th-September 15th), do not cut, unless they are a safety hazard:

- Trees of any species 6 inches dbh or more that are hollow, have major splits, or have broken tops that provide maternity habitat.
- Snags 6 inches dbh or more that have Indiana bat roost tree characteristics. Consider any tree with less than 10 percent live canopy to be a snag. When removal of hazard trees is necessary in a recreation area during the non-hibernation season (e.g., developed recreation sites, access roads, trails), conduct emergence surveys at the identified hazard trees that possess the characteristics identified above, and at any hazard trees that possess large areas of loose bark providing maternity habitat.”

**SFW-TES-32**

“Protect and improve occupied Regional Forester sensitive species habitat.”

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.

Implementing the project in compliance with this standard could mean that in some cases dangerous mine features or pollution-emitting orphan wells could not be addressed in occupied RFSS habitat because the actions necessary to plug the well or close the mine feature would affect the habitat, even if those effects were minor or short-term. This inflexible approach would limit the ability to meet the purpose and need of the project forest-wide, wherever orphan wells and abandoned mines are present.

The proposed action, including the project-specific plan amendment, creates more flexibility while maintaining protections for RFSS. This is accomplished through the other Forest Plan

direction, along with project design criteria that would halt project implementation or require further NEPA analysis if well plugging or mine closure actions threatened to cause serious harm to RFSS or their habitat.

#### **S-FOF-VEG-1 and S-FOFM-VEG-1**

“Cut trees only when necessary for public safety (e.g., trees posing hazards along roads or trails).”

From the EA: “ The purpose of these two standards is to help meet the Desired Future Condition of two management areas, both of which seek to provide “mostly old forest that change[s] only as a result of natural disturbances and natural succession” (USDA FS 2006b). The desired condition of both management areas is to comprise “extensive stands of old-growth upland central hardwoods...[that] contain trees of varying sizes but are visually dominated by large, mature trees” (USDA FS 2006a). Avoiding tree cutting except when necessary for public safety helps to ensure these old forest conditions.

**However, because orphan wells and abandoned mine features occur across the Forest without regard to management area, adhering to this standard would restrict the ability to meet the project purpose and need.** Of course, these standards do contain an exception for public safety, and much of the work included in the proposed action is intended to improve public safety, which means that much of the tree cutting that would occur in these management areas would still comply with the standards. But the plan amendment would avoid any uncertainty during implementation as to whether the cutting is truly necessary for public safety and would simply allow trees to be cut in the FOF and FOFM management areas to implement the proposed action.

**While this amendment would likely result in the removal of some larger trees and would affect the process of natural succession, it would occur at a very small scale within the context of the management area. Individual project sites are estimated to require only a few acres of disturbance, and the entire proposed action would likely result in about 680 acres forest-wide over a 15-20 year period. Together, the FOF and FOFM management areas occupy nearly 27,000 acres, and even if all project actions were implemented exclusively in these two management areas, it would only impact roughly 2.5% of the management areas. In addition, when operationally feasible, larger trees can sometimes be retained within the project areas.**  
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#### **11. Concern: Extent of Surface Disturbance. Has the extent of the surface disturbance been weighed by the environmental impacts of wells and legacy water systems to be remediated?**

From the EA pg 19.

“To **support** the effects analysis of the proposed action, the interdisciplinary team carefully considered available information, past experience on the Wayne, and local knowledge to develop an estimate of surface disturbance, including vegetation clearing and soil disturbance associated with the proposed action. The development of these estimates should not be seen as a limit on the footprint of any particular site. Estimates were created to give a sense of the scope and scale of what is being considered, but any consideration of whether a proposed well plugging, safety closure, or stream capture re-route falls within this analysis should be guided by the effects of the proposal instead of

relying on the size of the footprint. Each well plugging, safety closure, or stream capture re-route will be reviewed by interdisciplinary specialists who, rather than relying on a strict per-site size limit, can use their expertise and experience to judge whether the proposal would be consistent with this analysis.

On average, each orphan well is expected to require about 1.6 acres of disturbance while abandoned mine closures would average about 3.6 acres, though each individual site would vary, and in some cases could exceed these estimates. These estimates include all actions necessary to safely complete the work, including temporary access roads, staging, and any other necessary vegetation clearing or ground disturbance. Over the next 15-20 years, it is anticipated that 200 orphan wells could be plugged, and 100 abandoned mine sites closed. This would result in approximately 680 acres of disturbance over the next 15-20 years (Table 1). Additional information regarding these disturbance estimates, and their rationale is available in the project record.” From the EA pg 19.

## **12. Concern: Road creation and remediation.**

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.

## **13. Concern: Climate change**

This proposed action does not reference climate change in any capacity other than to propose to remedy methane and greenhouse gas emissions by these proposed actions. The impacts of the actions themselves are not addressed.

The United States Forest service maintains a mandate to address climate change in its proposed actions. **The Forest Service Global Change Research Strategy 2009-2019** document states that in keeping with research goals of the US Climate change Science Program, the Research and Development agenda of the Forest Service, US Department of Agriculture helps to...develop best management practices for forests.

“These actions are taken to sustain ecosystem health, adjust management for ecosystem services and increase carbon sequestration under changing climate conditions.” p. 4 (1)

“Land managers have conveyed a sense of urgency and a real-time need for information. They are faced with planning for and making climate change related decision today. They need all available scientific information.” p. 6. (2)

This project neglects to address the advancing complexities of climate change on forest ecosystems and how these interventions will assuage the climate impacts.

According to the **Forest Service: Strategic Framework for responding to climate change**. The forest service is to follow these guidelines.

**1.1** Develop and implement internal mechanisms to assure a systematic, interactive dialogue between researchers, public and private land and resource managers, and other users to promote effective alignment of climate change science delivery efforts.

**1.3** Effectively move science into application, including synthesis of current research and monitoring information, incorporating science into decision support tools, disseminating new knowledge to managers, and integrating tools into common data and analysis structures. Among other things, decision support tools should focus on:

Predicting the ecological effects of climate change at national, regional and local scales,

Predicting the effects of management activities on the ability of forest and grassland communities and their component species to adapt to climate change and provide ecosystem services,

Assisting public and private land managers in prioritizing activities to maximize effectiveness of adaptation strategies in the face of limited resources, and

Assessing the long-term implications of adaptation actions and their effects on carbon storage and greenhouse gases over time.

**2.3** Assess how land management activities contribute toward adaptation objectives and how they can be modified to better facilitate adaptation to climate change at various spatial scales.

**4. 5** Implement approaches and incentives to encourage managers to make responsible management decisions in the face of uncertainty.

We strongly urge the WNF to work on rewriting this EA and work with the citizenry to implement an ecologically sensitive product considerate of the climate crisis we are now facing. The threat to endangered species, sensitive species and the value of older growth forest for its carbon benefits and mycorrhizal networks must be thoroughly examined and included in the planning. An EIS is strongly urged for consideration.

Sincerely,

Loraine McCosker

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(1) The Forest Service Global Change Research Strategy 2009-2019.

(2) Forest Service: Strategic Framework for Responding to climate change. Version 1, 2008.