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Public Will Be Allowed to Weigh in on Drilling in Allegheny National Forest

Federal Judge Upholds Agreement Between Forest Service, Environmental Groups

ERIE, PA (5/12/09) – A federal judge today decided in favor of environmental groups who argue that the public should have a chance to weigh in on oil and gas drilling in the Allegheny National Forest. In his decision, U.S. District Judge Sean J. McLaughlin upheld a settlement agreement between the U.S. Forest Service and three environmental groups – Forest Service Employees for Environmental Ethics, Allegheny Defense Project, and the Sierra Club.

The Pennsylvania Oil and Gas Association (POGAM) and the Allegheny Forest Alliance (AFA) had attempted to put the brakes on the settlement agreement. However, Judge McLaughlin stated that POGAM and AFA “have failed to demonstrate that they will suffer legal prejudice by the dismissal of this action.” Judge McLaughlin also denied Warren County’s motion to intervene in the litigation since the case is now dismissed.

The settlement requires the Forest Service to conduct an environmental analysis pursuant to the National Environmental Policy Act (NEPA) on proposed oil and gas drilling projects on the Allegheny National Forest. The settlement creates an orderly transition by allowing 588 oil and gas wells, one pipeline and one seismic line to move forward without further environmental analysis since these projects were already submitted to the Forest Service for approval at the time the lawsuit was filed. The Forest Service will postpone approval of approximately 440 other oil and gas wells that were submitted to the Forest Service before the lawsuit was filed, but were considered “incomplete applications” by the Forest Service. Those proposed oil and gas wells, in addition to all future oil and gas drilling projects, will be subject to “appropriate NEPA analysis” and public comment.

“This is a great day for the Allegheny National Forest,” said Ryan Talbott, forest watch coordinator for the Allegheny Defense Project. “The judge categorically rejected the arguments raised by POGAM and AFA in their attempt to unravel the settlement we reached with the Forest Service.”

“The Forest Service certainly has a responsibility to set conditions that prevents damage to the surface land it owns and protects wildlife on that land,” said Andy Stahl, executive director of Forest Service Employees for Environmental Ethics. “With this settlement the Forest Service has made a commitment to disclose to people living near the Allegheny National Forest what impact oil and gas drilling will have on water quality, recreational opportunities, and the other benefits they expect from the national forest in their backyard.” Days after the settlement was reached, the Forest Service announced that it would publish a notice of intent to prepare a forest-wide environmental impact statement (EIS) on June 1, 2009 for all oil and gas drilling projects between now and 2013. The Forest Service expects to complete the EIS by April 2010. “This agreement is a significant policy shift for the Allegheny National Forest and will shed daylight on a process that has been hidden from public view for far too long,” said Sierra Club representative David Sublette. “Oil and gas development threatens to destroy the sensitive wildlife habitat and spectacular wilderness that draw thousands of visitors to the Allegheny each year. The public should at least have an opportunity to weigh in before oil and gas companies are allowed to build roads and drill wells in this pristine area.”