

# After a lengthy fight, the Wayne National Forest is open to energy exploration

*By Michael Sieber*

A five-year fight over leasing land in Wayne National Forest came to an end last December when the Bureau of Land Management (BLM) held an online auction to sell approximately 719 acres in the Wayne. This comes as some relief for landowners who felt they were being left out of the opportunity to lease their properties and capitalize on the mineral rights as many in other parts of Ohio have done.

## The History

The fight started nearly five years ago when energy companies expressed interest in drilling for gas and oil in Wayne National Forest. The main issue at the heart of the argument is the nature and layout of the Wayne. It's easy to assume that the Wayne is a unified chunk of land, but it's not — at least in Monroe County.

The Wayne occupies approximately 2,600 acres in Monroe County, much of which is broken up into little parcels of land. The nature of this layout (known as the Marietta Unit) means that these federally owned parcels land lock privately owned parcels in some cases, which prohibits the landowners from exploiting their mineral rights.

According to Monroe County Commissioner Mick Schumacher, the energy companies don't want a few scattered acres; they want the whole thing. They want a large chunk of acreage that affords them the best opportunity to get results.

In addition, because the Wayne is a national forest, there is a concern over environmental disruption, and/or detrimental impact on nature and wildlife.

To get public feedback, the BLM hosted a public meeting for landowners to come and voice their opinions and concerns before making a decision to allow drilling in the Wayne; however, according to some Monroe County residents, the notice of the meeting never appeared in local papers or media.

Becky Clutter of Landowners for Energy Access and Safe Exploration (LEASE), which is an advocacy group for landowners, said the BLM placed ads regarding the meetings in papers where the rangers are located rather than people in the counties who would be most affected by the leasing. "The way the BLM disseminates information [is it] goes to the newspapers where the rangers are, not necessarily where the people are . . . not even the trustees knew [about the

meeting,"] Clutter said. The result of this was that none of the landowners from Monroe County who would be affected by this received notification about the meeting. However, a few environmental groups did get notice of the meeting and did show up to voice their concerns over the environmental impacts of drilling/fracking.

According to Clutter, the BLM only heard one side of the argument at that initial meeting, and that side swayed the BLM to lean towards not allowing drilling in the Wayne. That seemed to be the end of it. However, Clutter and some other landowners organized to form the Facebook group LEASE to get other landowners involved and to ask the BLM to listen to their concerns.

"It was almost like running a campaign," Clutter said. "We went around knocking on doors and giving information to raise awareness." She added they wrote letters and started making phone calls to get people out. That "campaign" resulted in the BLM holding another meeting in Marietta, only this time nearly 300 landowners showed up along with the environmentalists.

## The Controversy

While the public meetings brought the landowners together with the BLM, it also brought them together with people who oppose not only drilling in the Wayne but the use of fossil fuels altogether. According to Clutter, these clashes of opinion weren't always peaceful. She said at a public meeting held in Athens, some environmentalists threw paper airplanes, and became so disruptive, officials shut down the meeting citing a safety issue.

Clutter went on to say she and other landowners made attempts to come to a middle ground with those who oppose drilling in the Wayne, but said from her perspective, the people on the other side she dealt with wouldn't budge. She spoke of an incident during a general forest meeting where approximately 30 protesters were let in and admonished the landowners for "not sharing their resources with the rest of the world." She went on to say that she understood many of the arguments from the other side but added that landowners don't want to see their land destroyed, and they're very protective about properties that - in some cases - have been in their families for generations.

Despite the contentious nature of the issue, the BLM took both sides' arguments into consideration and on Dec. 13, 2016, made the decision to open up Wayne National Forest for energy exploration. The BLM hosted an online auction, which consisted of 17 parcels and approximately 719 acres. Then in January, the BLM announced another online auction, this time consisting of 1,186 acres to be held March 23, 2017. According to Energy In Depth, "All of the acres for lease are in Monroe County, which is home to the most prolific dry natural gas in the state. This is the second lease sale of federal minerals in the forest, as the last sale included 719 acres, generating approximately \$1.7 million in revenue off the lease sale for taxpayers. This new sale could yield an additional \$2 million or more in revenue, and more importantly, the local government will see a portion of this sale, as well as a portion of the royalty payments, which is good news for the people who live and work in Monroe County."

The results of the December auction saw a total sale of over \$1.7 million. On average, each acre sold for \$2,416.85. According to Jackie Stewart of Energy In Depth, "Because the Wayne National Forest is public land, the area does not benefit from the revenues of private property taxes, which typically support schools, roads, bridges, and government services. Monroe County in particular has to grapple with this as Wayne National Forest covers tens of thousands of acres. Instead of property tax payments, the Bureau of Land Management instead pays Payment in Lieu of Taxes (PILT) to counties that contain the forest."

Concerns over the environment and climate change as brought on by burning fossil fuels still linger. However, the BLM released an environmental assessment (EA) in which they determined there would be "no significant impact" to the Wayne due to the leasing of parcels. The EA states, "The Proposed Action of leasing parcels would, by itself, have no direct impact on any resources in the lease area since there would be no surface disturbing activities. All anticipated resource impacts would be associated with potential future oil and gas development."

The BLM's final EA also addressed the issue of climate change, which is a contentious issue between environmentalists and those in the energy business, stating, "BLM does recognize the importance of climate change and the potential effects it could have on natural and socioeconomic environments."

Since the assessment of greenhouse gas (GHG) emissions and climate change is in its formative phase it is currently not feasible to predict the exact impacts the Proposed Action [leasing] would have on climate. However, for the purpose of National Environmental Policy Act (NEPA) analysis and consistent with CEQ regulations, this EA includes a qualitative and quantitative analysis of possible greenhouse gas emissions that could occur as a result of reasonably foreseeable oil and gas development in the Marietta Unit." The EA added, "Through complex interactions on a regional and global scale, these GHG emissions and net losses of biological carbon sinks may cause a net warming effect of the atmosphere, primarily by decreasing the amount of heat energy re-radiated by the earth back into space. However, other activities could help sequester carbon, such as managing vegetation to favor perennial grasses and increase vegetation cover, which could help build organic carbon in soils and function as 'carbon sinks.'" In other words, it's the BLM's assessment that whatever GHG emissions take place, the effect on the environment could be mitigated with increased vegetation as well as other factors.

The notion of drilling/fracking in a national forest also raises concerns over the disruption of land used for recreation such as camping or hiking, but it's been noted that the parcels included in the lease don't represent any land that would be classified as recreational. In addition, once federal land is leased, energy exploration companies still have many hoops to jump through before drilling commences. According to the BLM, these companies must submit an Application for a Permit to Drill (APD) to the BLM.

Once that happens, the BLM forwards the lease holder's APD and Surface Use Plan of Operation (SUPO) to the Forest Service for approval. After this, an analysis is done to the site in

question using NEPA regulations, which looks at environmental impact and surface disturbing activities. It should be noted that even after this process, the public has several opportunities to comment on the proposed action and voice their opinions and concerns. In addition, the BLM states that once all this is done, they still have the option to deny the request for drilling based on the environmental impacts it might cause.

As of now, 22 companies submitted bids for the auction and the winning four bidders are Eclipse Resources, Flat Rock Development, Gulfport Energy, Inc., and Petrogas Co.