



COALITION OF LOCAL GOVERNMENTS

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COUNTY COMMISSIONS FOR SWEETWATER, LINCOLN, AND Uinta - WYOMING, AND DAGGETT COUNTY - UTAH;
AND CONSERVATION DISTRICTS FOR LINCOLN, LITTLE SNAKE, STAR VALLEY, SUBLETTE, SWEETWATER, AND
Uinta - WYOMING

July 30, 2024

VIA EMAIL: klamborn@blm.gov; mbradshaw@blm.gov

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Re: Comments on the Southwest Wyoming CO2 Sequestration Project Draft
Environmental Assessment

Dear Ms. Lamborn and Ms. Bradshaw,

The Coalition of Local Governments (Coalition) submits the following comments on the Environmental Assessment (EA) for the right-of-way application for a proposed project to permanently sequester carbon dioxide (CO2) in subsurface federal pore space located in Uinta, Sweetwater, and Lincoln Counties, Wyoming. This project is known as the Southwest Wyoming CO2 Sequestration Project. The Coalition members Sweetwater County, Lincoln County, and Sweetwater County Conservation District have been cooperating agencies on this project and have previously submitted comments that are incorporated by reference. While the State of Wyoming Department of Environmental Quality has jurisdiction over permitting any future Class VI Underground Injection Control wells for the CO2 sequestration, the BLM must still analyze all potential impacts to resources in the project area from the construction and operations of the wells as a reasonably foreseeable and connected action to this right-of-way application for use of the subsurface federal pore space. This is partially done in the EA as it relates to potential surface disturbances associated with the injection wells, but the BLM fails to discuss potential impacts to oil and gas, mining, and groundwater from the CO2 sequestration in the subsurface federal pore space.

I. STATEMENT OF INTEREST

The Coalition is a voluntary association of local governments organized under the laws of the State of Wyoming to educate, guide, and develop public land policy in the affected counties. Wyo. Stat. §§11-16-103, 11-16-122, 18-5-201. Coalition members include Sweetwater County, Uinta County, Lincoln County, Daggett County, Lincoln Conservation District, Sweetwater County Conservation District, Uinta County Conservation District, Sublette County Conservation District, Little Snake River Conservation District, and Star Valley Conservation District. The Coalition serves many purposes for its members, including the protection of vested rights of individuals and industries dependent on utilizing and conserving existing resources and public lands, the promotion and support of habitat improvement, the support and funding of scientific studies addressing federal land use plans and projects, and providing comments on behalf of members for the educational benefit of those proposing federal land use plans and land use projects.

Both the Counties and the Districts have authority to protect the public health and welfare of their citizens while promoting and protecting public lands and water resources. Wyo. Stat. §§ 11-16-122, 18-5-208; Utah Code § 17-27a-102(1)(a). Districts have statutory authority to develop and implement comprehensive resource use and management plans for range improvement and stabilization, conservation of soil, water and vegetative resources, control and prevention of soil erosion, and for flood prevention. Wyo. Stat. § 11-16-122(xvi). Districts' jurisdiction includes matters pertaining to the acquisition, construction, operation or administration of any land utilization, soil conservation, erosion control, erosion prevention, flood prevention projects, conservation of water, water utilization, disposal of water in watershed areas, and other water projects. Wyo. Stat. § 11-16-122(xix).

By statute, the Wyoming Counties are “deemed to have special expertise on all subject matters for which it has statutory responsibility, including but not limited to, all subject matters directly or indirectly related to the health, safety, welfare, custom, culture and socio-economic viability of a county.” Wyo. Stat. Ann. §18-5-208. As such, the Counties “may regulate and restrict . . . the use, condition of use or occupancy of lands for residence, recreation, agriculture, industry, commerce, public use and other purposes in the unincorporated area of the county.” Wyo. Stat. § 18-5-201. Daggett County, Utah, also possesses the general land use authority to protect the tax base, foster the state’s agricultural and other industries, facilitate growth, and provide for the health, safety, and welfare of its citizens. Utah Code § 17-27a-102(1)(a)(i)-(ii), (iv), (vi).

II. CUMULATIVE IMPACTS ANALYSIS

Pursuant to regulations, an environmental assessment shall include a discussion of “[a]ny adverse environmental effects that cannot be avoided should the proposal be implemented.” 40 C.F.R. § 1502.16(a)(2). Effects include “cumulative effects, which are effects on the environment that result from the incremental effects of the action when added to the effects of other past, present, and reasonably foreseeable actions.” 40 C.F.R. § 1508.1(g)(3). The BLM addresses the

reasonably foreseeable surface disturbance that is likely to occur in the project area once the necessary state permits are acquired for any CO₂ injection wells. However, the BLM is still not addressing the other reasonably foreseeable surface disturbance related to the other right-of-way request for pore space in the same area as this current project. While the subsurface right-of-way has not been granted, it is at a similar stage in the environmental review process and will also see some type of surface disturbance once it has received necessary permits from the state for the injection wells. The BLM must at least acknowledge this other right-of-way application.

The EA also describes the total amount of current surface disturbance within the project area, but only generally describes the existing uses as grazing, oil and gas production, and recreation activities. *See e.g.* EA at 10. There is no additional information provided that breaks down the uses and their associated surface disturbance nor does the BLM provide any maps of the existing uses in the project area. Without this information, it is impossible to discern whether the information is accurate and what specific disturbances are accounted for in the calculation. For instance, what surface disturbance acreage is associated with grazing? Is this only limited to specific range improvements? The same questions arise in relation to recreational activities. The BLM should provide maps that document the existing disturbance in the project area to support its cumulative impact analysis section. A visual of the existing surface disturbance locations compared to the proposed project area also provides more information relevant to possible locations of any future infrastructure to support the CO₂ Sequestration Project.

In addition, there appears to be a typo on Pages 10 and 11 of the EA. It currently states “[t]here are currently 143,972 acres of disturbance within the project area” on Page 10 and then states “[t]here are currently 43,972 acres of disturbance within the project area” on Page 11. Based on the discussion of impacts to Greater Sage-Grouse habitat, it is likely that the BLM meant to reference the amount of surface disturbance within general habitat management areas and priority habitat management areas that fall within the project area. These two sentences need revision.

III. IMPACTS ON RESOURCE DEVELOPMENT

The EA still does not address potential impacts to fluid mineral resources nor solid minerals because the BLM has concluded (1) there are no economically producible hydrocarbons or helium in the Madison and Nugget formations; and (2) no foreseeable issue of impacting the neighboring sodium and trona areas due to the proposed depth of the target formations. EA at Appendices pp. 3, 6. The BLM does recognize that there is a concern CO₂ could travel laterally or vertically into existing mine workings and pose a threat to miners and, therefore, concluded that a complete reservoir characterization is necessary. *Id.* at pp. 6-7. While the Wyoming Department of Environmental Quality will address any concerns about potential impacts of CO₂ traveling laterally or vertically during the Class VI permitting process, this does not excuse the BLM from discussing the potential impacts during this NEPA process. The project area contains many producing oil and gas wells and neighbors the Known Sodium Leasing Area and the Mechanically Mineable Trona Area. The BLM must assess the potential impact the CO₂ Sequestration Project may have on this existing development as part of the cumulative impact analysis and ensure that

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the use of the subsurface pore space for CO2 storage will not adversely affect existing development and any potential future development in this area.

This same comment can apply to potential impacts to groundwater. The state may control the permitting for CO2 injection wells and through permitting it will ensure any potential impacts are mitigated, but this does not excuse the BLM from addressing the potential impacts in this EA. The proposed Southwest Wyoming CO2 Sequestration Project area is next to the Fontenelle Reservoir and the Green River, which is a major source of water in the southwestern part of the state. The BLM must analyze the potential impacts to groundwater and surface water before the federal pore space is used for CO2 Sequestration to avoid any adverse impacts to these important water sources.

The Coalition appreciates the opportunity to comment.

Sincerely.

A handwritten signature in cursive script that reads "Eric South".

Eric South, Chairman
Coalition of Local Governments