

Finding of No Significant Impact

Environmental Assessment
DOI-BLM-WY-D090-2023-0010-EA
Southwest Wyoming CO₂ Sequestration
Location: Kemmerer and Rock Springs Field Offices

March 2025

Background

The Bureau of Land Management (BLM), Kemmerer and Rock Springs Field Offices (KFO and RSFO) conducted an environmental assessment (EA) (DOI-BLM-WY-D090-2023-0010-EA) which analyzed the effects of Moxa Carbon Storage, LLC's application for use of BLM-administered federal pore space in Lincoln, Uinta, and Sweetwater Counties in Southwest Wyoming.

The proposed right-of-way (ROW) for the pore space would be for the injection and permanent geologic sequestration of carbon dioxide (CO₂) and would not include any related surface infrastructure. Total federally managed BLM lands requested for the ROW equal 605,091 acres.

Finding of No Significant Impact

Based upon a review of the *Southwest Wyoming CO₂ Sequestration EA* (DOI-BLM-WY-D090-2023-0010-EA) and all other information available to me, I have determined that the Proposed Action with project design features and stipulations, will not result in a significant impact on the human, natural and physical environment.¹

Potentially Affected Environment

The interdisciplinary team evaluated the possible actions in context of past, present and reasonably foreseeable actions. Significant effects were not predicted. A complete disclosure of the effects of the project for sage-grouse, big game, raptor nesting, wildlife, forestry, endangered species, riparian areas and wetlands, paleontological resources, soils, special status plants, cultural resources, historic trails, visual resources, and existing/proposed ROW near the project area are contained in section 3 of the *Southwest Wyoming CO₂ Sequestration EA*. The environmental analysis did not reveal any effects beyond those already analyzed in the EIS's which accompanied the Kemmerer Resource Management Plan and Rock Springs Field Office Resource Management Plan, both as amended.

The Proposed Action would not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. The Proposed Action would not cause loss or destruction of significant scientific, cultural, or historic resources, nor any unique characteristics of the geographic area.

Conformance

The Proposed Action would be required to comply with all applicable federal, state, and local laws, plans, and permits required for this type of activity. This Proposed Action is subject to the following land use plans:

- The Rock Springs Field Office Resource Management Plan and Record of Decision

¹ Executive Order 14154, *Unleashing American Energy* (Jan. 20, 2025), and a Presidential Memorandum, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity* (Jan. 21, 2025), require the Department to strictly adhere to the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 *et seq.* Further, such Order and Memorandum repeal Executive Orders 12898 (Feb. 11, 1994) and 14096 (Apr. 21, 2023). Because Executive Orders 12898 and 14096 have been repealed, complying with such Orders is a legal impossibility. The [bureau] verifies that it has complied with the requirements of NEPA, including the Department's regulations and procedures implementing NEPA at 43 C.F.R. Part 46 and Part 516 of the Departmental Manual, consistent with the President's January 2025 Order and Memorandum.

(RSFORMP; 2024), as amended, and 43 CFR 1610.5.

- The Proposed Action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): Page 2-49 of the RSFORMP/ROD: *“Manage public lands to meet transportation and ROW needs consistent with Goals and objectives of other resources while supporting the national energy plans and policies.”*
- The Final Environmental Impact Statements (FEIS) for the KFO Planning Area (August 2008; BLM 2008a) and the Kemmerer Resource Management Plan/Record of Decision (KRMP/ROD) approved on May 24, 2010 (BLM 2010a).
 - The Proposed Action is in conformance with the RMP as amended and the land use direction pertaining to Land Resources (LR); Goal LR: 3; Manage public lands to meet access and (or) right-of-way needs. The site-specific analysis in this EA tiers to and incorporates by reference the information and analysis contained in these documents.
- Record of Decision and Approved Resource Management Plan Amendments for the Rocky Mountain Region including the Greater Sage-Grouse Sub-Regions of: Lewiston, North Dakota, Northwest Colorado and Wyoming and the Approved Resource Management Plans for Billings, Buffalo, Cody, HiLine, Miles City, Pompeys Pillar National Monument, South Dakota and Worland (Approved: September 21, 2015) (ARMPA) (2015a)
 - In November 2021, the BLM published an NOI in the Federal Register to amend land use plans regarding Greater Sage-grouse conservation in a number of Western states, including Wyoming. Since this RMP amendment is ongoing, conformance is assessed against the existing 2015 ARMPA. Management decisions in the pending 2021 Greater Sage-grouse Land Use Plan Amendments EIS and ROD could affect development within the project area in the future.

Due to the project being located in multiple field offices, RMP decisions will apply to the portions of the project within its planning area.

Degree of Effects

Consider the following, as appropriate to the specific action.

1. **The degree to which the selected alternative will affect public health or safety.** The Proposed Action is not anticipated to result in public health and safety issues. Applied stipulations and adherence to applicable federal, state, and local laws and policies would also provide for public health and safety. While the use of Class VI Underground Injection Control (UIC) wells for permanent geologic sequestration is relatively new in Wyoming, operations involving the subsurface injection of CO₂ to deep geologic formations is not novel, and the nature of operations is expected to be similar to oil & gas exploration and production operations in many regards, particularly those associated with injection of CO₂ for enhanced oil recovery (EOR). In addition, the BLM’s ROW grant would not authorize surface-disturbing activities, surface occupancy of BLM-

administered public lands, or any well development. Any such proposals would be separately subject to the appropriate level of NEPA analysis.

2. **The degree to which the action may adversely affect unique characteristics of the geographic area such as historic or cultural resources, parks, Tribal sacred sites, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.**
The Proposed Action would include impacts to the resources as described in the *Southwest Wyoming CO₂ Sequestration EA*. There are no prime farmlands, wild and scenic rivers, or parks in the proposed project area. As explained in Section 3.22 of the EA, the Proposed Action has no potential to affect historic properties, because the ROW grant does not authorize surface disturbance. The Special Status Plant Area of Critical Environmental Concern (ACEC) is within the project area, and impacts to this resource are analyzed in Section 3.21 of the EA. Likewise, impacts to riparian areas and wetlands are analyzed in Section 3.16 of the EA.

None of the environmental effects discussed in detail in the EA are considered significant, nor do the effects exceed those described in the Resource Management Plans of the respective BLM field offices which manage the requested federal pore space. Mitigation measures and conditions of approval have been identified where appropriate to avoid and reduce impacts to the extent possible.

3. **Whether the action threatens a violation of a Federal, State, Tribal, or local laws or other requirements or be inconsistent with Federal, State, Tribal, or local policies designated for the protection of the environment.**
During preparation of the *Southwest Wyoming CO₂ Sequestration EA* the project was scoped internally and relied on public comment for input into relevant human-environmental issues for analysis. The proponent would be required to follow all known Federal, State, local or Tribal laws or requirements imposed for the protection of the environment. In addition to a ROW granting the use of BLM-administered federal pore space for permanent geologic sequestration, Moxa Carbon would be required to seek approval from the State of Wyoming Department of Environmental Quality for the construction and eventual operation of one or more Class VI UIC wells utilizing the BLM-administered federal pore space. The proposed project is consistent with applicable land management plans, policies, and programs.

4. **The degree to which the potential effects on the human environment are highly uncertain.**

The issuance of a pore space ROW grant would not authorize actual injection operations (which are subject to approval by the State of Wyoming, the delegated authority to administer the Class VI UIC program in Wyoming) and would not authorize surface-disturbing activities (which would require additional authorization by the BLM if located on BLM-administered public lands). The issuance of this ROW would not pose highly uncertain, unique or unknown risks to the human environment. The project is not unique or unusual. The environmental effects to the human environment are analyzed in the

Southwest Wyoming CO₂ Sequestration EA. There are no predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks.

5. The degree to which the action may adversely affect resources listed or eligible for listing in the National Register of Historic Places (NRHP).

Impacts to resources listed or eligible for listing in the NRHP are analyzed in Sections 3.21 (National Historic Trails) and 3.22 (Cultural Resources) of the EA. As explained in that document, because no surface disturbance would be authorized by the proposed pore space ROW grant, pursuant to the Wyoming State Protocol there would be no effect to historic properties or those eligible for listing in the NRHP. Standard cultural stipulations would be applied for any unanticipated cultural resource discoveries during project implementation.

6. The degree to which the action may adversely affect an endangered or threatened species or its habitat, including habitat that has been determined to be critical under the Endangered Species Act of 1973.

Multiple threatened, endangered, and candidate species are present within the proposed project area including Canada Lynx, Greater Sage-grouse, Yellow-billed Cuckoo, and Monarch Butterfly. The impacts to these species and their habitat are analyzed in Section 3 of the EA. In addition, certain threatened and endangered fish species exist adjacent to the project location. If surface disturbance were to occur under additional future ROW applications, timing stipulations would be applied to mitigate impacts to these species, and species-specific surveys would be required where habitat is present. Appropriate consultation with US Fish and Wildlife Services would also take place, if required.

7. The degree to which the action may adversely affect rights of Tribal Nations that have been reserved through treaties, statutes, or Executive Orders

The Proposed Action does not affect rights of Tribal Nations that have been reserved through treaties, statutes, or Executive Orders.

Franklin D. Keeler
High Desert District Manager

Date