U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CARA | Comment Analysis and Response Application

Comment Report

Project: DOI-BLM-WY-D090-2023-0010-EA (Tallgrass SW Wyoming Carbon Dioxide Sequestration) (NP-4827)

Comment Period: Other - Comment period for '1 EATallgrassCO2SequestrationSWWyomingEA' with start date Mon Jul 01, 2024

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Code Category	Code	Comment #	Comment Text
Issue/Action			
	110.02 - Coordination, Consultation		
		#11-2	Several Endangered Species Act (ESA) listed and candidate species are within the Project area. Because injected CO2 can harm-or even kill-plant and animal species, and future surface-disturbing activities have the potential to cause species take and habitat harms, BLM must therefore formally consult with the U.S. Fish and Wildlife Service (USFWS).

Code Category	Code	Comment #	Comment Text
Issue/Action			
	110.02 - Coordination, Consultation		
		#17-22	The EA states that the BLM currently manages GRSG through the 2015 Resource Management Plan (RMP) (p. 7) and it includes an analysis of potential impacts to GRSG (pp. 9-11). As the BLM acknowledges in the EA, it is in the process of amending the GRSG RMP. These revisions will include revised Habitat Management Area boundaries, ACECs, stipulations, and mitigation. We recommend coordinating with the BLM GRSG planning group to incorporate into the NEPA document the best available GRSG science and Habitat Management Area evaluations the BLM has completed thus far for the GRSG RMP amendment and use that information to evaluate the potential impacts to GRSG from all phases of development. We also recommend including a commitment in the NEPA document to incorporate the requirements from the Final GRSG RMP. This will be important because GRSG populations continue to decline because of habitat loss and fragmentation and the overall project has the potential for significant surface disturbance and infrastructural development.
	110.04 - Laws, Policies		
		#6-1	The BLM must do more than reference its Instruction Memorandum on UIC Class VI CO2 wells when reviewing the environmental consequences of these projects and should show stakeholders that it is, at the very least, following the outlines of this IM.

Code Category	Code	Comment #	Comment Text
Issue/Action			
	110.04 - Laws, Policies		
		#6-5	As a preliminary matter, the Draft EA for the Moxa CO2 Project is legally deficient due to the BLM's acknowledged segmenting of the project into different development stages. Federal regulations and the courts have made clear that federal agencies are prohibited from segmenting their National Environmental Policy Act (NEPA) reviews of proposed projects by "divid[ing] connected, cumulative, or similar federal actions into separate projects and thereby fail[ing] to address the true scope and impact of the activities that should be under consideration."11 The NEPA regulations that entered into force on July 1, 2024, reiterate this longstanding prohibition by stating that an agency cannot avoid considering an action "significant" by "segmenting an action into smaller component parts.
		#11-3	The proposed ROWs must conform with the relevant land use and resource management plans (RMPs). Based on our analysis, the RMPs do not contemplate this type of activity, and should be amended to evaluate whether this type of action (namely, a ROW for federal subsurface pore space) conforms with the land use plans
		#11-9	BLM erred by preparing only an EA, rather than an EIS, on the whole of the project. There is ample evidence that the Project-which will span over 600,000 acres of federal subsurface land under protected species habitat and foreseeably expand to include surface infrastructure-will impact the environment in significant ways. Injected carbon dioxide (CO2) waste can be harmful to soils and anything that needs oxygen, including people, wildlife, and plants. BLM's Draft EA treats this CO2 waste as something benign when in fact, it can be deadly. And the Project's significant impacts are not just one-time efects on the environment; they are also durational. Though the Draft EA errs by not disclosing for how long CO2 waste will be injected, the Draft EA acknowledges the aim is for "permanent" geologic storage,21 meaning impacts to wildlife, vegetation, air quality, water features, and human uses are significant and persistent.

Code Category	Code	Comment #	Comment Text
Issue/Action			
	120 - Proposed Action, Decision		
		#6-2	The Draft EA prepared for the Moxa CO2 Project contains virtually no information about the project's plan of operation. Because this information is lacking-and there is no evidence that the BLM itself has received anything from Moxa Carbon describing the company's actual plans-the entire document is devoid of meaningful consideration of the foreseeable impacts relating to injection of CO2 into the pore space in question. As touched on in Section II, infra, depending on information and analysis not presented in the Draft EA, those impacts could be quite significant. But the lack of even basic operational plans also means that it is especially difficult for interested stakeholders to understand what Moxa Carbon is proposing and, by extension, what the BLM is considering permitting.
		#6-3	there is no information available in the Draft EA or elsewhere online to demonstrate how CO2 will reach the project area. There are no existing CO2 pipelines that appear to serve the area proposed for carbon dioxide injection. While pipelines are therefore almost certain to be proposed, the review and permitting of CO2 pipelines can be time-consuming and the lack of an identifiable proposal for this area suggests this project is in such an early developmental stage that consideration of a right-of-way permit for use of pore space is extremely premature.
		#6-4	Finally, and most critically, the Draft EA is completely silent regarding the volume, quality, injection depth, monitoring plan, etc. of CO2 that could be or that will be injected or the time period for injection. These factors will have a profound impact on the eventual magnitude of surface-disturbing activities and are of direct relevance to the pore space ROW permit being requested.

Code Category	Code	Comment #	Comment Text
Issue/Action			
	120 - Proposed Action, Decision		
		#6-6	The BLM cannot predict with reasonable certainty how many Class VI wells will be constructed, where exactly they will be constructed, or the timing and duration of associated operations.16 However, instead of bolstering their justification for proceeding with review of this ROW, this statement calls the entire project into question: if there are not obviously foreseeable wells, wellpads, pipelines, roads, powerlines, etc. there can be no plausible injection of CO2 into federal pore space and there is thus no project. Instead of proceeding to this Draft EA, the BLM should instead have demanded a complete project application from Moxa Carbon-including a detailed plan of development-which appears to have done virtually nothing to justify this permit request.
	121 - Issues, Alternatives		
		#11-4	The Draft EA erroneously excludes crucial and foreseeably significant issue areas from analysis, such as climate, air quality, seismicity, water resources, and more.
		#11-14	BLM failed entirely to consider the potentially devastating impact of a CO2 leak on any environmental or human factor.
		#11-15	BLM also improperly excluded issue areas-including climate change, cultural/Tribal resources, recreation, vegetation, and soils-from its Draft EA largely because the Draft EA assumes only surface infrastructure has impacts, not dangerous injected waste.62 BLM must gather data on how the specific plants, animals, and environmental features could be impacted by injected CO2 (leaks, seismicity, water contamination, etc.), as well as the attendant surface infrastructure. The Project's effects on these excluded resources are both foreseeably significant and in need of further data collection.

Code Category	Code	Comment #	Comment Text
Issue/Action			
	121 - Issues, Alternatives		
		#17-3	Evaluating CO2 confining zone integrity to ensure proper containment of the injected gas informs whether there could be impacts to water quality and therefore the feasibility of the project. This should be analyzed in the EA rather than deferred to future WYDEQ UIC permitting actions because it is integral to informed BLM decision making.
		#17-5	To support a full impacts analysis, the EPA recommends the BLM include detailed water resource information in the NEPA document to create an inventory of existing water resources and to understand any potential impacts to them related to the development and operation of the project.
		#17-6	We recommend the NEPA document include a description of the impacts that may result from project activities to wetlands and any springs and spring runs. These include impacts related to project construction and operations which may influence aquifer water quality and the quality of groundwater supported wetlands or other aquatic resources.
		#17-7	The EPA recommends that the NEPA document identify foreseeable impacts to regional waters and their overall water quality. This assessment should include the disclosure of which waters may be impacted, the nature of the impacts, and the specific pollutants involved.

Code Category	Code	Comment #	Comment Text
Issue/Action			
	122 - Effects Analysis		
		#6-7	In addition, despite limited available information, Moxa Carbon's application suggests that a key source of the CO2 that would be injected by this project will come from "planned ammonia production facilities,"24 which media reports suggest involve currently unbuilt coal-to-ammonia processing plants to be constructed in relative proximity to the Moxa CO2 Project.25 In practice, this means the BLM, in its decision not to analyze the greenhouse gas effects of this project,26 has ignored that this project may help justify the construction of new major point sources of CO2 and other pollutants that are not currently in operation. At the same time, it may also be used to justify continued or expanded coal mining, which comes with its own pollution and emissions consequences. These are all "reasonably foreseeable" consequences-that the project proponent has directly mentioned-with significant impacts on the environment.

Code Category	Code	Comment #	Comment Text
Issue/Action			
	122 - Effects Analysis		
		#6-8	Following a presumption that utilization of the pore space Moxa Carbon seeks to access will take many decades to fill with injected CO2, the BLM should have significantly expanded its environmental analysis to address, at minimum, the following questions: * What effect on surface level resources will changing intensities and types of use have over the next century? * Will the necessity for long-term surface monitoring and regular human presence create additional, unanalyzed impacts on threatened and endangered species present within the project area? * Based on established science and existing data, what environmental changes are likely to occur in the project area that may impact surface level resources and operations? For example, to what extent will changes expected due to climate change further exacerbate the expected environmental impacts of the project, necessitating new or different avoidance or mitigation measures?27 * What risks may be present in the environment that could increase the likelihood of accidental releases of CO2 from project infrastructure, especially risks tied to changing environmental conditions (i.e., drought, flooding, higher temperatures, etc.) over the next century?
		#7-1	With a limited understanding of carbon sequestration, we have safety concerns and insist on a minimum 2-mile buffer between the expected CO2 storage plume and the Genesis Alkali mineral leases and/or KSLA boundaty to avoid any potential migration of gas into existing mining operations and future planned mining areas.

Code Category	Code	Comment #	Comment Text
Issue/Action			
	122 - Effects Analysis		
		#7-2	It appears the BLM has not considered the potential hazard of seismic activity or other mechanisms that could result in the fracturing or migration of gas to faults. Because the eastern boundary of the Moxa Carbon project abuts the KSLA, any fracturing could result in migration to the KSLA.
		#8-3	While we realize that the BLM cannot predict when, where or if surface occupancy and disturbing activities will take place, we are concerned that the BLM has not reasonably considered the future actions of Moxa Carbon in the Environmental Assessment. According to the EA, Moxa Carbon, in a letter to the BLM, admits that obtaining a subsurface ROW is the first step in the process and that they will seek to use federal surface lands within the planning area through a separate ROW application at a later date. Given this admission, the BLM should view surface disturbing activities as highly probable within their RFFA framework.
		#9-4	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 discussion the potential impacts during this NEPA process.
		#9-6	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.

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Issue/Action			
	122 - Effects Analysis		
		#11-8	Last, the "whole of the project" requirement is not just limited to project infrastructure and activities; it also embodies a temporal requirement.14 Most CO2 injection projects span decades, in that they propose to inject CO2 for many years, and then are subject to post-injection site care that can span years.15 BLM is therefore required to analyze impacts for the lifetime of the injection period, as well as the post-injection site closure period.
		#11-10	As explained by the UN's Intergovernmental Panel on Climate Change, "CO2 is denser than air and can therefore accumulate to potentially dangerous concentrations," and "any leak transfers CO2 to the atmosphere."51 BLM must take these risks into account when evaluating the Moxa Project. Even ROWs only for CO2 occupation of pore space could lead to significant harms to workers, nearby residents, recreationalists, wildlife, and ecosystems.
		#11-16	not only must BLM analyze the impacts of granting ROWs for CO2 injection (though the impacts of injecting CO2 beneath 605,000 acres of federal lands certainly must be addressed); BLM must also disclose and analyze the totality of the Moxa Project's activities on the climate, air quality, community and wildlife safety, water, and more.13 As reiterated throughout this comment, BLM must disclose and analyze information such as the sources of CO2, how it will arrive at/be injected under federal lands, the composition of the CO2, etc., as well as impacts from the any CO2 pipelines (and possibly other CO2 transport methods), injection wells, etc.

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Issue/Action			
	122 - Effects Analysis		
		#17-1	Analyses of reasonably foreseeable impacts to air and water resources were not included in the EA. For water quality, the EA relies entirely on the analysis from the upcoming Wyoming Department of Environmental Quality (WYDEQ) Class VI Underground Injection Control (UIC) program well permitting process for CO2 sequestration. WYDEQ's Class VI UIC well permitting process does not replace the BLM's responsibility to conduct an adequate NEPA analysis. The EPA recommends the NEPA document fully consider the direct, indirect, and cumulative impacts associated with Moxa's proposed project in order to adequately inform federal decision making consistent with NEPA and CEQ's implementing regulations.
		#17-2	While the BLM mentions that the instant ROW applies only to the subsurface federal pore space, it is reasonably foreseeable that BLM would need to grant future ROWs authorizing surface use and occupancy for the CO2 sequestration project (see page 4 of EA). Therefore, these future ROW authorizations appear to be connected actions and should be included in the same NEPA review per 40 CFR § 1501.3(b) because the surface occupancy ROWs would be "interdependent parts of a larger action and depend on the larger action [in this case the entire CO2 sequestration project] for their justification."
		#17-7	The EPA recommends that the NEPA document identify foreseeable impacts to regional waters and their overall water quality. This assessment should include the disclosure of which waters may be impacted, the nature of the impacts, and the specific pollutants involved.

Code Category	Code	Comment #	Comment Text
Issue/Action			
	122.01 - Cumulative Effects Analysis		
		#6-9	Of particular concern is the BLM's disclosure that there are "existing land use activities" that include "oil and gas production [and] mining."28 Despite mentioning these current activities within the project area, the Draft EA is silent as to the location, timeframe, and extensiveness of these activities. This is a critical oversight, as the existence of operating oil and gas wells and mines as well as the possible existence of abandoned and/or orphaned oil and gas wells or mines could pose significant risks to the geologic integrity of the planned injection formation. More information and analysis of this risk is required.
		#8-2	While there are no proposals currently for surface infrastructure development, it would be prudent for the BLM to assume that Moxa Carbon Storage LLC (Moxa Carbon) will propose carbon storage infrastructure if a subsurface ROW, and other necessary Wyoming state permits, are granted.
		#9-1	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.

Code Category	Code	Comment #	Comment Text
Issue/Action			
	122.01 - Cumulative Effects Analysis		
		#9-2	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.
		#9-5	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 the use of the subsurface pore space for CO2 storage will not adversely affect existing development and any potential future development in this area.

Code Category	Code	Comment #	Comment Text
Issue/Action			
	122.01 - Cumulative Effects Analysis		
		#11-6	BLM is misconstruing the meaning of "reasonably foreseeable future actions," a term defined in regulation as "federal and non-federal activities not yet undertaken, but sufficiently likely to occur, that a Responsible Official of ordinary prudence would take such activities into account in reaching a decision."8 Such activities "must be taken into account in the analysis of cumulative impact[s].9" Reasonably foreseeable future actions "do not include those actions that are highly speculative or indefinite."10 The Draft EA asserts (in direct contradiction to the letter from Moxa quoted above) that the "only actions for the project area which are highly probable are continued livestock grazing, range improvement projects and recreation."11 That CO2 occupation of federal pore space will require injection wells and surface infrastructure, however, is also "probable" and is not "highly speculative."
	123 - Technical, Editorial		
		#4-1	The proposed right-of-way is for 605,091 acres of pore space underneath federal managed lands in Lincoln, Uinta, and Sweetwater counties in southwest Wyoming for storage of carbon dioxide. (EA, pg. 38 of 59). 1. Why is the BLM denoting that authorization will ONLY be for the proposed ROW of Unita and Sweetwater counties? (EA, Pg. 4 of 59).
		#5-1	WDEQ/WQD recommends that clarification be made as to the exclusivity of the ROW prior to and after issuance of the NTP.
		#5-2	WDEQ/WQD recommends the Draft EA be revised to "for the presence of hydrocarbons and helium within the targeted injection formation(s) before injection of CO2 begins."

Code Category	Code	Comment #	Comment Text
Issue/Action			
	123 - Technical, Editorial		
		#5-3	The BLM ROW would need to be in place prior to WDEQ's issuance of a permit authorizing injection, as the Class VI operator will need to access the pore space for the injected CO2. WDEQ/WQD recommends that the Draft EA be revised to reflect the appropriate timeline for obtaining the BLM ROW.
		#9-3	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.
	132 - Water, Watershed Mgmt		
		#17-3	Evaluating CO2 confining zone integrity to ensure proper containment of the injected gas informs whether there could be impacts to water quality and therefore the feasibility of the project. This should be analyzed in the EA rather than deferred to future WYDEQ UIC permitting actions because it is integral to informed BLM decision making.
		#17-5	To support a full impacts analysis, the EPA recommends the BLM include detailed water resource information in the NEPA document to create an inventory of existing water resources and to understand any potential impacts to them related to the development and operation of the project.
		#17-6	We recommend the NEPA document include a description of the impacts that may result from project activities to wetlands and any springs and spring runs. These include impacts related to project construction and operations which may influence aquifer water quality and the quality of groundwater supported wetlands or other aquatic resources.

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Issue/Action			
	132 - Water, Watershed Mgmt		
		#17-7	The EPA recommends that the NEPA document identify foreseeable impacts to regional waters and their overall water quality. This assessment should include the disclosure of which waters may be impacted, the nature of the impacts, and the specific pollutants involved.
		#17-8	The EPA recommends the NEPA document identify and discuss how surface water quality will be protected during construction activities. To this end, we recommend the NEPA analysis include: * A list of BMPs that will be required to protect surface water resources; * A discussion of the circumstances under which the BMPs would be applied (e.g., proximity to surface water resources, presence of subsidence, erosive soils, slopes, etc.); and 8 * A monitoring and compliance plan detailing how the BLM, or another government entity, would ensure the timely and correct implementation of the BMPs as well as timely maintenance.

Code Category	Code	Comment #	Comment Text
Issue/Action			
	133 - Air and Climate		
		#17-9	The EA dismissed air resources from further analysis in Appendix 1 on the basis that the project will conform with all applicable local, state, and federal laws regarding air quality. However, adherence to permitting requirements and potential application of undescribed best management practices is not a substitute for analysis of impacts under NEPA and this approach lacks an evaluation of potential impacts, including indirect and cumulative impacts, related to project construction and development that will occur despite conformance with laws and future unknown conditions of approval. The NEPA analysis should evaluate the full range of potential direct, indirect, and cumulative impacts of the BLM's ROW decision.
		#17-10	We recommend developing an emissions inventory for the CO2 sequestration development activities that are planned for the project, based on a POD or information requested of Moxa. These activities likely include, but are not limited to, drilling of wells and the construction and operation of compression facilities which generate their own emissions and create reasonably foreseeable indirect and cumulative impacts associated with the project that should be explored in the NEPA document.
		#17-11	Based on the level of projected emissions, existing emissions, proximity to sensitive areas, and input from other state and federal agencies, it may be appropriate to conduct additional analysis beyond the emission inventory.

Code Category	Code	Comment #	Comment Text
Issue/Action			
	133 - Air and Climate		
		#17-12	Appendix 1 of the EA dismissed climate change and GHG emissions from further analysis because "[t]he proposed action would not produce or contribute to the environment hydrocarbons or other potential 'downstream' sources of GHGs." However, construction, well development, and operational activities associated with future actions and potential ROWs connected to the project would result in GHG emissions, creating a reasonably foreseeable impact. There are also potential upstream emissions associated with CO2 sequestration projects
		#17-13	The EPA recommends using the CEQ's interim guidance to inform the development of a climate and GHG analysis in the NEPA document,
		#17-14	Estimate the anticipated net direct and indirect GHG emissions (or reductions thereof) associated with the project alternatives.
		#17-15	Include a discussion of the reasonably foreseeable range of GHG emissions or emissions reductions associated with the project in the context of state, national, and international GHG emissions reduction goals, including the U.S. 2030 Paris GHG reduction target and 2050 net-zero pathway.15 This discussion should address how reasonably foreseeable GHG emissions and storage activities associated with the planning effort are, or are not, consistent with these policies and goals.
		#17-16	Account for the project's climate impacts by utilizing EPA's values for the social cost of GHG emissions
		#17-17	Consistent with the CEQ's interim guidance, the EPA further recommends that the EA also provide GHG emission estimates from the upstream carbon-producing source, including not only CO2 but other GHG emissions such as methane and nitrous oxides.

Code Category	Code	Comment #	Comment Text
Issue/Action			
	141 - Vegetation Mgmt		
		#11-13	Similarly, for some plants, the Project will underlay vast swaths of their known habitat-such as the Uinta green-thread, where 80% of the plant's habitat occurs within the Project area.57 As noted in the section below, CO2 leaks can harm soil microbiomes and even kill plants.
	143 - Wildlife/Animals Mgmt		
		#11-12	For one, the Project area is within greater sage-grouse (GRSG) General Habitat Management Area and Priority Habitat Management Areas (PHMAs), containing 51 active leks.56 A CO2 leak could harm, or even kill, the GRSG and other animals.
	180 - Econ. & Soc. Actions, Analyses		
		#17-18	The EPA recommends the BLM use EPA's 2023 SC-GHG estimates to monetize the value of net changes in direct and indirect GHG emissions resulting from the project and its related components such as CO2 capture, refinement, and transmission to the planned sequestration facilities. This analysis would assess climate impacts and benefits of the project.
		#17-19	The EPA also recommends that SC-GHG calculations give specific information regarding the social cost estimate related to individual gases (i.e., use SC-CO2 to monetize CO2 emissions changes, and use SC-CH4 to monetize CH4 emissions changes).
		#17-20	The EPA therefore recommends including a detailed analysis of the potential impacts to communities with environmental justice concerns in the NEPA document in order to fully evaluate direct, indirect, and cumulative effects associated with authorizing CO2 sequestration and construction/development activities around these communities. The environmental justice analysis should also consider measures to mitigate the potential effects identified.

Code Category	Code	Comment #	Comment Text
Issue/Action			
	180 - Econ. & Soc. Actions, Analyses		
		#17-21	The EPA further recommends detailing effective public involvement and communication strategies regarding the potential hazards associated with these types of projects in the environmental justice analysis. The EPA also recommends the NEPA document contain ROW stipulations to mitigate potential impacts to public health
	182.01 - Cultural, Hist., Anthro. Mgmt		
		#11-11	Moreover, the subregion "contains the greatest concentration of cultural resources" in the Kemmerer Field Office.54 Dismissing the impacts of dangerous CO2 as having "no potential to affect historic properties" ignores the evidence of CO2 harms.
Resource/Rationale			
	235 - Minerals & Geol. Resources		
		#16-1	Moxa Carbon Storage recommends that this stipulation be revised as follows to protect existing mineral lessees while also encouraging the development of CO2 sequestration projects: To prevent unreasonable interference with operations on existing mineral leases, the Holder must prevent unnecessary or unreasonable damage or material interference to (a) surface operations of existing leases, and (b) economically recoverable minerals in the injection and confining zones.

Code Category	Code	Comment #	Comment Text
Resource/Rationale			
	235 - Minerals & Geol. Resources		
		#16-2	To harmonize this stipulation with WDEQ's Class VI regulatory process, Moxa Carbon Storage recommends that NTP stipulation 1(i) be revised as follows: The Holder must submit the Class VI well permit from the Wyoming Department of Environmental Quality to the BLM authorized officer with their request for BLM approval of the NTP.
	249 - Facilities, Structures		
		#16-3	Because its ROW application does not include the request to use any surface of any BLM-administered lands, Moxa Carbon Storage recommends that BLM remove these surface-related Mitigation Measures/COAs until BLM is presented with a specific request to use BLM-administered surface. Once BLM is presented with a request for specific surface ROW (s), the agency will be positioned to assess which surface-related mitigation measures and COAs are appropriate to address resource concerns related to the use of particular BLM surface area.