



Director, Lands, Minerals, and Geology Management Staff
201 14th Street SW
Washington, DC 20250-1124

January 2, 2024

RE: Land Uses; Special Uses; Carbon Capture and Storage Exemption (88 FR 75530)

RVCC promotes healthy landscapes and vibrant rural communities throughout the American West. Our coalition partners represent all western states and include diverse representatives from regional and national organizations; community-based natural resource advocates; conservationists; business owners; contractors; elected county officials; and landowners, among others. We believe that the health of rural communities and landscapes are interdependent – policy solutions need not sacrifice one to advance the other. Our work centers on promoting healthy ecosystems, social equity, vibrant rural communities, and stewardship economies.

We appreciate the opportunity to provide comments in response to the U.S. Department of Agriculture Forest Service Notice of Proposed Rulemaking related to carbon capture and storage on National Forest Lands. Since our inception in 2001, RVCC has been deeply committed to collaborative, solution-oriented approaches to public land management - approaches that move the public beyond bitter disputes over how natural resources should be managed, toward mutually beneficial outcomes. It is with these values in mind that we offer our comments on the proposed rule.

Community-Based Collaborative Stewardship

Much of the work of RVCC is centered around lifting up community-based collaboration in the management of landscapes in support of the stewardship economy - the need, and responsibility, to manage for the sustainability of both land and communities. There is an interdependence between rural communities and National Forest and Grasslands. "Carbon dioxide injected in pore spaces may remain for over 1,000 years after injection and would be tantamount to an exclusive and perpetual use and occupancy if authorized on NFS lands." This allowance for exclusive and perpetual use and occupancy absolutely contradicts the spirit and importance of community-based collaboration and shared stewardship. Communities and collaborative partnerships play an important role in assisting in the prioritization of land uses and the active management of lands and waters for optimal climate mitigation and adaptation, wildfire resilience, biodiversity, and the multi-benefit opportunities across the spectrum of all market and non-market ecosystem services.

Tribal Sovereignty and Co-Stewardship

We are pleased that the Forest Service has determined that this proposed rule could have substantial direct effects on one or more Tribes and is subject to Tribal consultation. To create a rule that could open the door for carbon capture and storage on NFS lands and allow permit holders exclusive and perpetual use and occupancy is an absolute setback in the advancement of Tribal co-stewardship and centering the futures of Tribes. Permitting "Exclusive and perpetual use and occupancy" of NFS land could be perceived as a modern form of colonialism and ecocide. We hope that the Forest Service is thorough in its meaningful consultation and coordination with Tribes on this proposed rule.

Outdated USFS National Forest Management Plans

Law requires that the Forest Service update the USFS Management plans at least every 15 years, many haven't been revised in several decades. And while it is helpful to know that "proposals for underground storage of carbon dioxide would have to meet all other screening criteria, including but not limited to consistency with the applicable land management plan," less than 10% of the 154 National Forests have updated management plans under the 2012 Planning Rule. As the technology for carbon capture and storage is nascent, it would be unreasonable to expect that the communities adjacent to NFS lands would have ever had the opportunity for meaningful engagement with the USFS about carbon capture and storage nor would the outcomes of this collaborative engagement be reflected in forest management plans.

Potential Risks to Public Health or Safety

While the science of carbon capture and storage is not an area of expertise of RVCC, there seems to be sufficient scientific literature documenting known risks of CO₂ and that even while there is the possibility for safe and effective transport and injection of CO₂ into the geologic strata, this would be dependent on effective interagency coordination and the continued administration of stringent, extensive regulatory protocols. What mechanisms are being used to coordinate between the (USFS), Council on Environmental Quality (CEQ), the Department of Energy (DOE), the Environmental Protection Agency (EPA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and in the deployment and regulation of carbon capture and storage technologies to provide for a coordinated whole-of-government approach to their collective work? Rural communities stand at risk if these 'whole-of-government' coordination issues are not addressed. Additionally, the USFS is understaffed, and there is a great amount of turnover of staff at the district level which is an additional concern in how the permit for carbon capture and storage is managed for exclusive and perpetual use and occupancy.

National Environmental Policy Act

This proposed rule may be considered within the category of an update to "rules, regulations, or policies to establish service-wide administrative procedures, program processes, or instructions" and per the Forest Service does not require preparation of an environmental assessment or environmental impact statement. However, given the prospect that this rule change could directly result in the authorization for carbon capture and storage on NFS lands, and create a scenario of exclusive and perpetual use and occupancy, RVCC feels that an environmental assessment or environmental impact statement is warranted and consistent with the vital mission of the U.S. Forest Service to safeguard our national forests and ecosystems for the well-being of both present and future generations.

Environmental Justice & Capacity for Rural Community and Tribal Engagement

In response to the Forest Service's determination, per the Notice of Proposed Rulemaking, that the proposed rule is not expected to result in disproportionately high and adverse impacts on minority or low-income populations or the exclusion of minority and low-income populations from meaningful involvement in decision making, while the proposed rule directly may not result in adverse impacts, the

potential proposed projects of carbon capture injections in pore spaces in NFS lands may have disproportionately high and adverse impacts on minority or low-income populations or the exclusion of minority and low-income populations from meaningful involvement in decision making. Low income rural communities across the West are faced with deficiencies in capacity to engage in public lands collaboration and partnership with the USFS. Most CBO and local government partners do not have dedicated staff to engage on issues generally, and would not have access to the technical expertise necessary to engage in the project planning process or environmental review at the local level. And while carbon capture and storage advocates include fossil fuel corporation with access to high levels of resources, it would be a likely scenario that there would be power imbalance and exclusion of minority and low-income rural voices at the project level.

As we all collectively work toward climate solutions and the reduction of greenhouse gas emissions, there is an opportunity cost in advancing carbon capture and storage solutions. The billions of dollars in resources that the federal agencies are intending to put toward the costly and unproven technology of carbon capture and storage could be reallocated toward alternative nature-based solutions that result in greenhouse gas emissions including active forest management, prescribed fire, and much needed community-scale small wood utilization infrastructure. It's a worthwhile conversation to have.

Again, we are grateful for the opportunity to serve as a partner to the U.S. Forest Service in the stewardship of lands and communities. And we would welcome the opportunity to engage in meaningful conversation on this specific topic, and explore the potential impacts on rural communities and our Tribal partners.

Sincerely,

A handwritten signature in black ink that reads "Laurel Harkness". The signature is written in a cursive, flowing style.

Laurel Harkness, Coalition Director
Rural Voices for Conservation Coalition
laurel@ruralvoicescoalition.org
(530) 859-9168