



Wyoming  
DEPARTMENT OF Agriculture

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*The Wyoming Department of Agriculture is dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life.*

December 26, 2023

Director  
Lands, Minerals and Geology Management Staff  
201 14<sup>th</sup> Street SW  
Washington, DC 20250-1124  
<https://www.regulations.gov>

To Whom it may concern:

RE: Forest Service: 36 CFR Part 251; **RIN 0596-AD55**

Following are the Wyoming Department of Agriculture (WDA) comments regarding the U.S. Department of Agriculture (USDA), Forest Service (FS), Proposed Rule for Carbon Capture and Storage Exemption (Rule) RIN 0596-AD55.

Our comments are specific to our mission: dedication to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life. As the proposed project could affect our industry, citizens, and natural resources it is important that you continue to inform us of proposed actions and decisions and continue to provide the opportunity to communicate pertinent issues and concerns.

The FS is proposing to amend its special use regulation to allow for the development of carbon capture facilities and wells, on FS administered lands for the purpose of capturing, injecting and storing carbon dioxide. Carbon injected into subsurface pore space may remain there for over 1,000 years, thus creating an exclusive and perpetual use. However, the FS may not authorize the exclusive use of FS land in perpetuity. The proposed rule will not authorize carbon capture and storage, but instead will exempt proposals from going through the authorization screening process.

The WDA has concerns regarding the proposed rule and potential impacts an exclusive use of FS lands may have on livestock grazing allotments and permittees. Conversations with FS staff have indicated surface impacts and loss of Animal Unit Months (AUM) is unknown at this time. WDA understands we will have the opportunity to review and comment on impacts during the National Environmental Planning (NEPA) process once projects are proposed. However, statements within the proposed rule make unrealistic assumptions on economic impacts to small businesses. These impacts could negatively affect permittees and local economies, and the FS has not fully analyzed the impacts in order to address them correctly.

The following statements include:

- The Regulatory and Flexibility Act Analysis states: "this proposed rule would not have a significant economic impact on a substantial number of small entities pursuant to the Regulatory Flexibility Act." WDA disagrees, as many impacts aren't disclosed and analyzed until a project is proposed and the subsequent NEPA document analyzes the specific project area. For example, loss of AUMs is contingent on overlap between grazing, rights-of-ways (ROW), surface disturbance, etc.. The loss of AUMs could significantly impact the economic viability of a grazing operation, permittees and local economies.

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- The Environmental Justice section, again assumes there are no economic impacts to Minority and Low-Income Populations. Some of Wyoming's most rural communities rely on FS grazing permits to sustain the economic viability of their operation. Some of these communities are also considered some of the lowest income earning communities in the state, and may have already met the Environmental Justice definition for a low-income community. There is a high potential these communities could be adversely impacted if there were losses to the ranching economy. Ranching families and their operations support local businesses, schools and housing markets. Impacts to a permittees' ability to graze a sustainable number of animals could shut down ranching operations and have a domino effect on other businesses within the community.

WDA urges the FS to fully analyze impacts to livestock grazing permittees using FS administered lands to sustain their operation. The FS should update language within the proposed rule to clarify potential impacts of allowing exclusionary development of FS administered lands.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact Linda Cope, Senior Policy Analyst, at 307-777-7024.

Sincerely,



Doug Miyamoto  
Director

DM/lc

CC: Governor's Policy Office  
Wyoming Board of Agriculture  
Wyoming Stock Growers Association  
Wyoming Wool Growers Association  
Wyoming Farm Bureau Federation  
Wyoming State Grazing Board  
Wyoming Association of Conservation Districts  
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