



August 4, 2023

Randy Moore

Chief, U.S. Forest Service

1400 Independence Ave., SW

Washington, D.C. 20250-0003

Submitted via email to randy.moore@usda.gov, cc Nathan Morris, nathan.morris@usda.gov

RE: Opposition to U.S. Forest Service Regulatory Amendment to Allow “Perpetual Right of Use or Occupancy” of Carbon Dioxide Waste from Carbon Capture and Storage Operations

Dear Chief Moore:

We are delivering nearly 9,500 signatures from organizations and members of the public urging the U.S. Forest Service to not release its proposed regulatory amendment “to allow exclusive or perpetual right of use or occupancy (36 CFR 251.54(e)(1)(iv)) of National Forest System lands” for carbon capture and storage waste.¹ This regulatory change is unnecessary, egregious, and could lead to serious, irreparable harms to forests, people, and wildlife.

As a threshold matter, carbon capture and storage (CCS) is not a climate solution. It over-promises and under-delivers on its premise, presents a lifeline to industries such as fossil fuel production that need to be justly but rapidly phased out, and endangers lives, particularly those of Black, Brown, and Indigenous peoples who are already overburdened by pollution and industrial harms. Plus, the Intergovernmental Panel on Climate Change has modeled pathways to prevent catastrophic temperature changes that do *not* rely on engineered CCS.² Intact forests, on the other hand, are a key part of a climate solution, in addition to phasing out polluting industries.

¹ See Notice by the U.S. Dep’t of Agriculture (Spring 2023), <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202304&RIN=0596-AD55> (“To support responsible deployment of Carbon Capture, Utilization, and Sequestration (CCUS), the Forest Service is proposing an amendment to its regulations at 36 C.F.R. 251.54 -- Proposal and Application Requirements and Procedures to allow exclusive or perpetual right of use or occupancy (36 CFR 251.54(e)(1)(iv)) of National Forest System (NFS) lands for CCUS. This proposed rulemaking would amend initial screen criteria in existing regulations to allow for permanent carbon dioxide sequestration on NFS lands to support CCUS-related activities and will help meet the Administration's priority of tackling the climate crisis.”).

² Center for Int’l Env’t., *Confronting the Myth of Carbon Free Fossil Fuels: Why Carbon Capture is Not a Climate Solution* at 2-3 (2021), available at <https://www.ciel.org/wp-content/uploads/2021/07/Confronting-the-Myth-of-Carbon-Free-Fossil-Fuels.pdf>

We cannot allow the nation’s forests to be used as a dumping ground for fossil fuel companies and other industrial polluters. Not only would carbon storage require the buildout of dangerous pipelines, injection wells and roads — it would also pose potentially deadly risks to people and wildlife. Carbon dioxide leaks are highly hazardous and can lead to suffocation, even for those miles away.³ In addition, National Forests are stolen Indigenous lands and home to sacred sites and are of cultural and historical significance to Indigenous Peoples that must not be disturbed.

We urge the Forest Service not to release the proposed change to 36 C.F.R. 251.54. A proposal that would destroy forests, endanger people and wildlife, and enable a false solution simply must not see the light of day.

The signatures—including many personalized comments—are included in this email as an attachment.

Thank you,

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³ See Dan Zegart, “The Gassing of Satartia,” Huffington Post (Aug. 2021), https://www.huffpost.com/entry/gassing-satartia-mississippi-co2-pipeline_n_60ddea9fe4b0ddef8b0ddc8f.