

## **Lobos CO<sub>2</sub> Pipeline – Frequently Asked Questions**

### **What is NEPA?**

The National Environmental Policy Act (NEPA) is an environmental law enacted in 1969. The law requires federal agencies to consider the environmental impacts of proposed projects or actions prior to taking any significant action. The NEPA process is intended to help public officials to make decisions that are based on understanding of the environmental consequences and to take actions that protect, restore, and enhance the environment.

NEPA requires that all federal agencies involve interested publics in their decision-making, consider reasonable alternatives to proposed actions, develop measures to mitigate environmental impacts, and prepare environmental documents which disclose the impacts of proposed actions and alternatives.

You can read more detailed information about NEPA and the Environmental Impact Statement (EIS) process by following the links below:

- [About NEPA](#)
- [The NEPA Process](#)
- [NEPA Frequently Asked Questions](#)
- [A Citizen's Guide to the NEPA: Having Your Voice Heard](#)
- [NEPA Citizen's Guide \(Video by the Federal Transit Administration\)](#)

### **What is an (EIS)?**

NEPA requires that agencies must consider the environmental impacts of proposed projects or actions prior to taking any significant action. An EIS is prepared when the proposed action may significantly affect the quality of the human environment. The first section is an introduction including a statement of the purpose and need of the proposed action. Second a description of the affected environment is given. Third a range of alternatives to the proposed action are stated followed lastly by an analysis of the environmental impacts of each of the possible alternatives.

The EIS must highlight reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the environment. An EIS is used to inform decisions – not to justify already-made decisions.

The public has an opportunity to participate in the development of an EIS during the initial scoping process and by commenting on the Draft EIS. The Final EIS also incorporates comments and information from regulatory agencies, Native American Tribes, landowners, and other affected parties. Moreover, the Final EIS will include recommended environmental conditions and mitigation measures that must be met if the project is to be approved by the Federal agency.

### **What is Scoping?**

Scoping is the process to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the planning process. A Notice of Intent to Prepare an EIS and

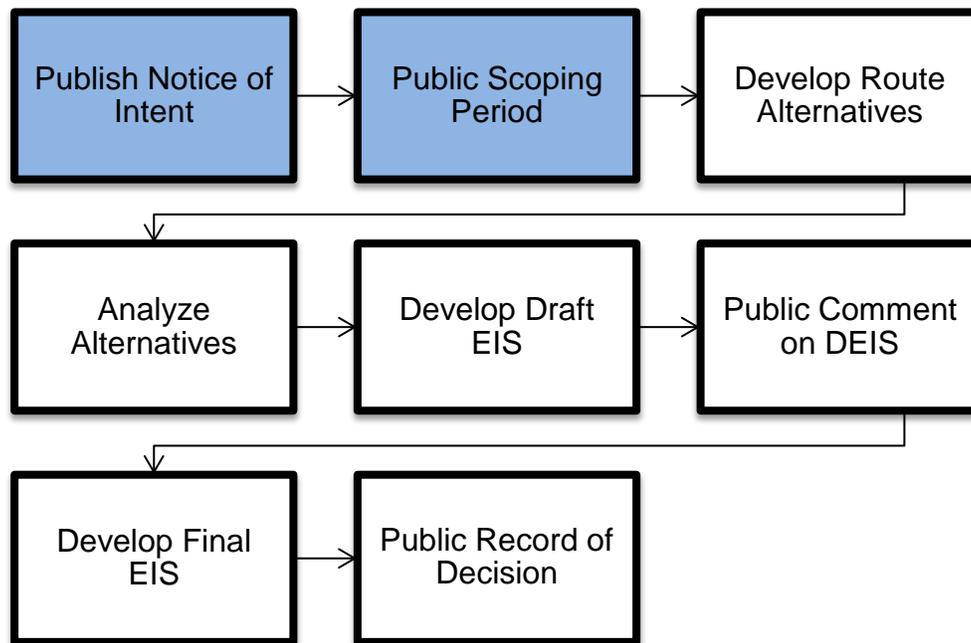
Notice of Public Scoping Meetings for the proposed project was published in the Federal Register on October 31, 2013, indicating the start of the 90-day scoping period. The scoping period closed on January 29, 2014. During that period, the public was encouraged to provide their thoughts on the potential effects of the proposed route as well as any potential alternatives to the proposed route.

Comments could be submitted via US Postal Service, using the BLM Project email, or at one of the five public scoping meetings.

The BLM held the following public scoping meetings:

- Quemado, New Mexico on December 3, 2013;
- Socorro, New Mexico on December 4, 2013;
- Roswell, New Mexico on December 5, 2013;
- Mountainair, New Mexico on December 10, 2013; and
- Belen, New Mexico on December 11, 2013

As you can see from the figure below, scoping occurs early in the EIS development process to help in determining the areas of concern related to the proposed project. This process also allows for a more accurate and efficient analysis of all issues related to the proposed project.



### How will my scoping comments be reviewed and/or used?

The BLM reads all scoping comments and will consider scoping comments when developing and analyzing alternatives in the EIS. The EIS will address all issues and alternatives identified during scoping. The BLM also has developed a Scoping Report that provides the details of the scoping process and a summary of the comments received. You can read the scoping report at <http://www.blm.gov/nm/LobosCO2>.

### **Are scoping comments available to the public?**

Yes. The BLM has produced a Scoping Report, which provides a summary of the comments that the BLM received during and after the scoping period. The Scoping Report is available on the project website (<http://www.blm.gov/nm/LobosCO2>) and through your local BLM Field Office.

### **I did not submit a comment during the scoping period. Can I still provide a comment?**

The BLM will continue to accept comments after the scoping period has ended.

The 90-day public scoping period was initiated on October 31, 2013 and ended on January 29, 2014. However, the BLM welcomes any information that you can provide throughout the process and will do our best to incorporate information received after the end of scoping into the Draft EIS.

While the BLM will consider scoping comments submitted after the end of the scoping period, these comments may not be included in the scoping report or addressed in the Draft EIS. Based on the complexity of the information provided and the amount of time that has passed after the end of the scoping period, you may not see your comment fully addressed until the Final EIS.

In addition, the public will have further opportunity to provide comments on the project when the Draft EIS is available for public review.

### **What routes is the BLM considering in the analysis?**

The BLM will analyze Kinder Morgan's proposed route, as well as a range of reasonable alternatives, in the EIS. The BLM alternatives will include alternatives identified during the scoping process, as well as a "no action" option (i.e., an alternative in which the BLM does not grant a right-of-way across public land). The BLM will base its preliminary Preferred Alternative on this analysis and the preliminary Preferred Alternative will be included in the Draft EIS. While the BLM will consider Kinder Morgan's proposed route and alternatives, the alternatives brought forward in the Draft EIS may not necessarily be the same.

The public will have the opportunity to comment on the Draft EIS and then the BLM will incorporate those comments into a Final EIS. The BLM will use the Final EIS to make a decision whether to approve the right-of-way request across Federal lands, not approve the right-of-way, or approve the right-of-way request with modifications. If the decision to approve is made, the decision would include terms and conditions that Kinder Morgan must meet. The decision will be documented in a Record of Decision that will be available to the public.

### **How does the BLM select a range of alternatives to consider?**

The BLM will consider public scoping comments, as well as input from Native American tribes and Cooperating Agencies in the development of a range of alternatives. Moreover, specialists with expertise in the following disciplines will be involved in the alternative development process: rangeland

management, minerals and geology, outdoor recreation, archaeology, paleontology, wildlife, lands and realty, hydrology, soils, sociology, and economics. The EIS will include a description of all the alternatives considered and the rationale behind a decision not to carry an alternative forward for additional analysis in the DEIS. See the following link to the Council of Environmental Quality's 40 Most Asked Questions regarding alternatives: [CEQ 40 Question 1-10](#).

### **How does the BLM select alternatives for analysis?**

The BLM must consider multiple factors when analyzing alternatives. These factors include, among others, scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values, as well as recreation, fish and wildlife habitat, human occupancy and use, and the need for domestic sources of natural resources. The "agency's preferred alternative" is the alternative which the agency believes would fulfill its statutory mission and responsibilities, giving consideration to economic, environmental, technical and other factors.

The BLM will document its preliminary agency Preferred Alternative, and the reasoning behind that preference, in the DEIS.

### **Does the BLM have jurisdiction over private land? Does the BLM consider the impact on private land?**

The BLM only has authority over public land. Although the BLM only has jurisdiction over public lands and can only approve action on public lands, the EIS will analyze potential effects of the pipeline across all jurisdictions. The BLM will analyze the potential impacts from construction of the pipeline on all lands crossed by the pipeline.

### **Will surveys be conducted on public or private land?**

Surveys will be conducted on both public and private land. These surveys will provide baseline information for the EIS analysis.

### **What would be the width of the easement or right-of-way?**

If the BLM approves the right-of-way, the right-of-way width would be 50 feet. In addition to the 50 feet right-of-way, Kinder Morgan has requested the use of an additional 50 feet for construction purposes. If approved, a 50 foot wide temporary right-of-way would be issued. Proposed pump stations would occupy approximately five acres each, with an additional half acre for electrical substations

### **What would the proposed pipeline transport?**

The proposed pipeline would transport CO<sub>2</sub> in a dense phase/liquid state.

### **For what would the CO<sub>2</sub> be used?**

The CO<sub>2</sub> would be used for enhanced oil recovery in existing oil fields in eastern New Mexico and western Texas.

**I have questions or concerns about how the pipeline would be constructed and how it would affect my land. Where can I get answers?**

Although the BLM welcomes comments about impacts to all lands, the BLM does not have authority over private land. *Land owners with questions and concerns should discuss them directly with Kinder Morgan.* For more information about Kinder Morgan's proposed project, including routing efforts and locations, or to discuss concerns about private land, you may contact Kevin Winner at 505-239-6505 or [kevin.winner@steeleland.com](mailto:kevin.winner@steeleland.com). Mr. Winner works for Steele Land Services, which Kinder Morgan has contracted to manage the rights-of-way for this project.

In addition, Kinder Morgan currently is preparing a Draft Plan of Development (POD), which will provide details about the proposed construction, post-construction monitoring, and reclamation methods and activities. The Draft POD will be available for public review along with the Draft EIS.

**How do I get on the BLM mailing list to receive project updates?**

Please submit your contact information to [BLM\\_NM\\_SFO\\_Comments@blm.gov](mailto:BLM_NM_SFO_Comments@blm.gov) and ask to be placed on the Lobos CO<sub>2</sub> Pipeline mailing list. Project updates also will be placed on the BLM project website at [www.blm.gov/nm/LobosCO2](http://www.blm.gov/nm/LobosCO2).

**I have a question that is not listed on the FAQs.**

If you have a question that this FAQ does not address, feel free to send your question to [BLM\\_NM\\_SFO\\_Comments@blm.gov](mailto:BLM_NM_SFO_Comments@blm.gov). The BLM will update this FAQ throughout the project.

You also may contact the BLM Project Manager, Mark Mackiewicz, at (435) 636-3616 with additional questions.

It is possible that the BLM does not have enough information at this time to answer your question. The BLM will provide many more details about the potential impacts of the proposed project in the Draft EIS.