

Benefit American Oil Utility Corridor Project
Environmental Impact Statement

Scoping Report

Prepared for:

U.S. Department of the Interior
Bureau of Land Management
Vernal Field Office



September 2013

THIS PAGE INTENTIONALLY LEFT BLANK

Table of Contents

Chapter 1 – Introduction	1-1
1.1 Project Background	1-1
Chapter 2 – Scoping Process.....	2-1
2.1 Consultation and Coordination.....	2-1
2.2 Scoping Approach	2-4
Chapter 3 – Comment Analysis	3-1
3.1 Collection of Comments.....	3-1
3.2 Comment Analysis	3-1
3.3 How the Comments Will Be Addressed in the EIS.....	3-2
3.4 Comment Analysis Results	3-3
3.5 Issues Derived From Scoping Comments	3-9
Chapter 4 – Summary of Future Steps in the Planning Process.....	4-1
Chapter 5 – Literature Cited	5-1
Appendix A – Announcements	A-1
Appendix B – Letters to Agencies and Tribes	B-1
Appendix C – Scoping Meeting Materials.....	C-1
Appendix D – Scoping Comment Submittals	D-1

List of Figures

Figure 1 Project Study Area Map.....	1-3
--------------------------------------	-----

List of Tables

Table 2-1 Scoping Meeting Summary.....	2-5
--	-----

THIS PAGE INTENTIONALLY LEFT BLANK

LIST OF ACRONYMS

Applicant	Enefit American Oil Company
BLM	Bureau of Land Management
CFR	Code of Federal Regulations
DGT	Deseret Generation and Transmission Cooperative
EIS	Environmental Impact Statement
EPG	Environmental Planning Group, LLC
EPA	U.S. Environmental Protection Agency
FWS	U.S. Fish and Wildlife Service
ID	Interdisciplinary (Agency Interdisciplinary Team)
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act of 1966, as amended
NOI	Notice of Intent
PLPCO	State of Utah Public Lands Policy Coordination Office
Project	Enefit American Oil Utility Corridor Project
South Project	Enefit American Oil South Project
SHPO	State Historic Preservation Office
UDWR	Utah Division of Wildlife Resources
USACE	U.S. Army Corps of Engineers
U.S.C.	United States Code

THIS PAGE INTENTIONALLY LEFT BLANK

CHAPTER 1 – INTRODUCTION

In compliance with the National Environmental Policy Act of 1969 (NEPA), as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) Vernal Field Office is preparing an Environmental Impact Statement (EIS) to analyze the potential environmental effects resulting from granting right-of-way for construction, operation, and maintenance of the Enefit American Oil Company (Enefit, or the Applicant) Utility Corridor Project (Project), which includes natural gas, electric, and water utilities as well as a shale-oil-product pipeline that would cross federal and private lands in Uintah County, Utah. In accordance with the Council on Environmental Quality regulations for implementing the NEPA, the BLM conducted scoping early in the preparation of the EIS to encourage public participation and solicit public input to identify the scope and significance of issues associated with the Proposed Action (40 Code of Federal Regulations [CFR] 1501.7). Comments received during scoping help determine the issues to be addressed during preparation of the EIS.

This Scoping Report documents the scoping process and provides a description of the scoping activities, a summary of the comments received during scoping, the issues derived from the comments, and a summary of the future steps in the planning process. The issues derived from the comments will be addressed in the EIS rather than in this summary.

This document has been prepared for the public, decision makers, and the EIS team members to explain the common themes in scoping comments and issues. While preparing the EIS, the substantive comments will be considered and addressed.

1.1 Project Background

Oil shale is a fine-grained sedimentary rock that contains an organic material called kerogen. Kerogen can be heated, separated from the rock, and processed into a liquid hydrocarbon called “shale oil.” The shale oil can be treated and refined into fuels (e.g., diesel, jet fuel, gasoline, and other petroleum products). Oil shale is found in several parts of the world, including the United States. In Colorado, Utah, and Wyoming, one particular geologic structure, known as the Green River Formation contains large quantities of oil shale.

1.1.1 Utility Corridor Project

Enefit has requested from the BLM Vernal Field Office rights-of-way across BLM-administered lands for an upgraded access road into their private property, water, natural gas, electric transmission lines, and a product-delivery pipeline for operation of their Enefit South Project (the South Project, described under Section 1.1.2). Enefit proposes the following:

- Upgrade an estimated 5 miles of road (i.e., Dragon Road);
- Construct and operate approximately 19 miles of water-supply pipeline from an existing water-supply pipeline that serves the Bonanza Power Plant, owned by Deseret Generation and Transmission Cooperative (DGT), to the South Project production plant;
- Construct and operate approximately 8 miles of natural-gas pipeline from an existing pipeline owned and operated by Questar;

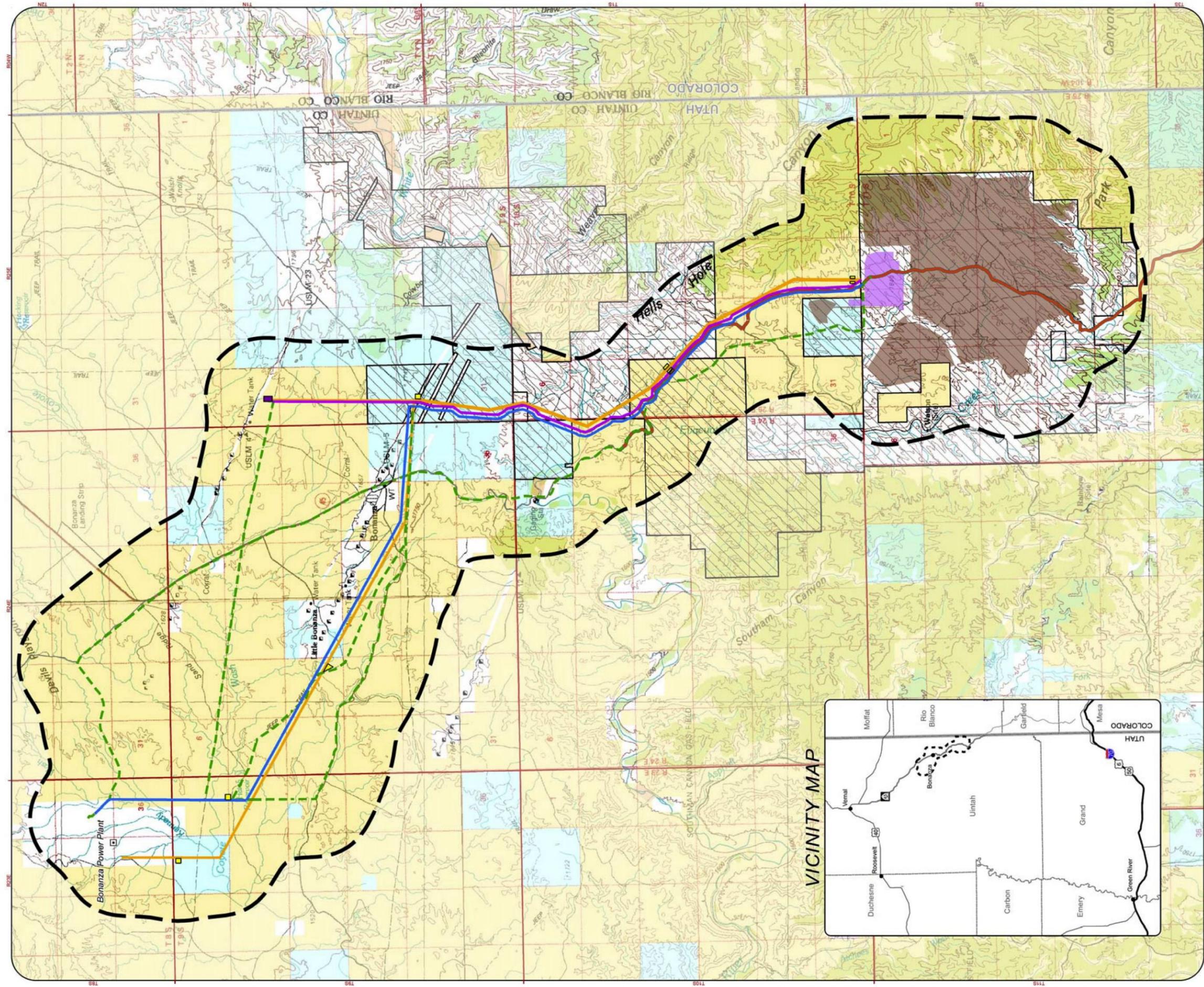
- Construct and operate approximately 29 miles of single or dual, single-circuit, overhead 138-kilovolt (kV) transmission line(s), supported on H-frame structures, from the Bonanza Power Plant or via an interconnection to the existing power grid (some cogeneration may occur as a result of the retorting and upgrading processes); and
- Construct and operate approximately 10 miles of oil-product-delivery pipeline to transport the synthetic crude oil and other products offsite to a point of connection with an existing common-carrier crude pipeline.

These ancillary facilities would support and enable Enefit's South Project, and cross federal land administered by the BLM Vernal Field Office. Enefit submitted a Standard Form 299, *Application for Transportation and Utility Systems and Facilities on Federal Lands*, to the BLM on November 26, 2012, to locate these facilities on BLM-administered land. In response to Enefit's application, the BLM determined the proposal to be a major federal action requiring preparation of an EIS to evaluate and disclose the potential effects of the Utility Corridor Project. Based on the analysis in the EIS, the BLM will issue a decision on whether or not to grant the requested rights-of-way.

1.1.2 Non-Federal Connected Action

The Enefit South Project (South Project) is located on one of the largest tracts of privately owned oil-shale property in the U.S. The property, acquired by Enefit, covers approximately 13,441 acres of oil shale containing approximately 1.2 billion barrels of shale oil. The proposed facility will be located in the Uinta Basin approximately 12 miles southeast of Bonanza in Uintah County, Utah. The South Project is designed to develop oil-shale mining and a shale-oil production complex, at full build-out producing approximately 28 million tons of raw oil shale ore rock per day and 50,000 barrels per day of refinery-ready shale oil from the Green River Formation.

The mining, retorting (heating the shale in a closed system), and upgrading (of the raw shale) operation at the South Project will all take place on land privately owned by Enefit. Oil shale would be mined by a combination of surface and underground mining methods. Reclamation of the mined areas, including pit backfilling, recontouring, and revegetation will begin approximately 2 to 3 years after commencement of mining in an area and will proceed concurrently with progressing mine activities. The production plant and related infrastructure will be located in the northern portion of the South Project property on a site approximately 320 acres. The production complex will consist of raw material handling, the retorting and oil-recovery unit(s), raw shale-oil upgrading facility, power block, wastewater treatment unit, storage yard, and administration buildings.



Project Features

- Project Study Area
- Proposed Gas Line and Product Pipeline
- Proposed Water Pipeline¹
- Proposed Powerline
- Alternative Alignments
- Dragon Road Improvements
- Proposed Switchyards
- Proposed Construction Laydown Areas

Land Ownership

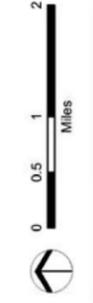
- Bureau of Land Management
- Indian Reservation
- Private
- State of Utah

General Reference

- Enefit Land Holdings/Leases
- Preliminary Plant Site Area
- Preliminary Mine Site Area
- Power Plant
- Hwy 45

NOTES:
¹ Proposed Water Pipeline shown as a graphical depiction of the approximate location.
 Enefit, Alternative Routes, 2013;
 Enefit, Project Features, 2013;
 BLM, Dragon Road, 2013;
 BLM State Office Utah, 2009, Land Jurisdiction;
 BLM State Office Colorado, 2008, Land Jurisdiction
DRAFT, JULY 1, 2013

Figure 1



PROJECT STUDY AREA

ENEFIT AMERICAN OIL UTILITY CORRIDOR PROJECT EIS

THIS PAGE INTENTIONALLY LEFT BLANK

CHAPTER 2 – SCOPING PROCESS

This section provides a description of the scoping process, the means by which the public and agencies were notified and given opportunities to comment on the Project, and a brief summary of the meetings that were held.

The scoping process is conducted early in the EIS process and is open to all interested agencies and the public. The intent is to solicit comments and identify the issues that help direct the approach and depth of the environmental studies and analysis needed to prepare the EIS and incorporate the views and concerns of federal, state, and local agencies, as well as the public regarding the scope of issues to be analyzed in the EIS. Other objectives of scoping include:

- Identifying and inviting agencies with jurisdiction or special expertise relevant to the Project to participate in the preparation of the EIS as cooperating agencies;
- Identifying other environmental review and consultation requirements;
- Identifying the relevant and substantive issues that need to be addressed during the analyses and in the EIS;
- Determining the range of alternatives to be evaluated; and
- Developing the environmental analysis criteria and systematic planning process and allocating EIS assignments among agencies as appropriate.

The scoping comment period began July 1, 2013, with the publication of the *Federal Register* Notice of Intent (NOI) to prepare an EIS (Vol. 78, No. 126, pages 39313 to 39314), a copy of which is in Appendix A.

2.1 Consultation and Coordination

Following Enefit's application submittal for right-of-way across federal lands on November 26, 2012 and after the lead-agency determination had been made, BLM developed an Interdisciplinary (ID) Team, an interagency group of key resource and geographic information system specialists that have been tasked with participating in the NEPA process by providing information, giving direction on level of analysis, and reviewing documents related to the NEPA process and consultation. The BLM also organized the plan and schedule for initiating and conducting the NEPA process that includes scoping; determining agency issues associated with the Project; identifying the federal, state, and local agencies to invite as cooperating agencies in the preparation of the EIS; and initiating coordination efforts with the U.S. Army Corp. of Engineers (USACE), Environmental Protection Agency (EPA), U.S. Fish and Wildlife Service (FWS), Utah Division of Wildlife Resources (UDWR), and Utah State Historic Preservation Officer (SHPO), and potentially interested American Indian tribes.

2.1.1 Cooperating Agencies

As required by the Council on Environmental Quality regulations for implementing the NEPA, the BLM, lead federal agency as defined at 40 CFR 1501.5, identified and invited several agencies to participate as cooperating agencies in the preparation of the EIS. A cooperating agency is any federal, state, or local government agency or American Indian tribe that has either jurisdiction by law or special expertise regarding environmental impacts of a proposal or a reasonable alternative for a federal action affecting

the quality of the human environment. The benefits of cooperating agency participation in the analyses for and preparation of the EIS include (1) disclosure of relevant information early in the analytical process; (2) application of available technical expertise and staff support; (3) avoidance of duplication of other federal, state, local, and tribal procedures; and (4) establishment of a mechanism for addressing intergovernmental issues.

The following agencies were invited to participate as cooperating agencies (cooperating agency invitation letters are included in Appendix B):

- Federal
 - Bureau of Indian Affairs (Uintah and Ouray Indian Reservation)
 - USACE
 - EPA
 - Northern Ute Tribe
- State
 - Utah Public Lands Policy Coordination Office
- Local
 - Uintah County

As of the date of this report, the agencies that responded positively to the BLM's invitation and have jurisdiction or special expertise in the geographic area of the Project include the following:

- Federal
 - EPA
 - USACE
- State
 - Utah Public Lands Policy Coordination Office
- Local
 - Uintah County

Meetings with the cooperating agencies will be conducted at key milestones of the NEPA process (e.g., review of scoping results, discussions of methodology for analyses).

2.1.2 Government-to-Government Consultation

The U.S. Government has a unique legal relationship with American Indian tribal governments as set forth in the Constitution of the U.S., treaties, Executive Orders, federal statutes, federal policy, and tribal requirements, which establish the interaction that must take place between federal and tribal governments. The most important basis for this relationship is the trust responsibility of the United States to protect tribal sovereignty, self-determination, reservation lands, tribal assets and resources, and treaty and other federally recognized and reserved rights. Federal agencies work with tribes, government to government, to address issues concerning tribal self-government, tribal trust resources, as well as tribal treaties and other rights. Government-to-government consultation is the process of seeking, discussing, and considering views on environmental and cultural resource management issues.

In the BLM's capacity to consult in a government-to-government manner, the BLM Vernal Field Office will send a letter and Project area map to 12 tribes to solicit input regarding cultural resource concerns (which also is in compliance with Section 106 of the National Historic Preservation Act of 1966 [NHPA], as amended). These tribes, as well as Tribal cultural resource officers and/or Tribal Historic Preservation Officers may have interest in significant cultural resources in the Project area. The tribes to be contacted include:

- Eastern Shoshone
- Goshute Indian Tribe
- Hopi Tribe
- Laguna Pueblo
- Navajo Nation
- Northwest Band of the Shoshone
- Santa Clara Pueblo
- Southern Ute Tribe
- Ute Indian Tribe
- Ute Mountain Ute Tribe
- White Mesa Ute Tribe
- Zia Pueblo

The tribes also have been added to the Project mailing list and will receive regular updates via Project newsletters and public notices documenting the availability of EIS-related documents for review. Further, as part of BLM's responsibilities under Section 106 of the NHPA, if determined necessary for the Project, all tribes will be invited to participate as consulting parties in preparation of a Programmatic Agreement for management of cultural resources (refer to Section 2.1.3.2).

2.1.3 Formal Consultation

The BLM and cooperating agencies are required to prepare EISs in coordination with any studies or analyses required by the Fish and Wildlife Coordination Act (16 United States Code [U.S.C.] Sec 661 et seq.), Endangered Species Act of 1973 (16 U.S.C. Sec 1531 et seq.), and the NHPA (16 U.S.C. Sec 470 et seq.).

2.1.3.1 Biological Resources

In accordance with the Endangered Species Act of 1973, as amended, formal consultation is required when the action agency (or agencies) determines the proposed action may affect a listed species or designated critical habitat. The results of the consultation process determine whether the proposed action is likely to jeopardize the continued existence of a species or destroy or adversely modify critical habitat. The process begins with the BLM's written request and submittal of a biological assessment and concludes with the issuance of a biological opinion from the FWS, which may include an incidental take statement or a letter of concurrence from FWS (if FWS agrees that the proposed action would have no effect or would not adversely affect a threatened or endangered species or its critical habitat).

2.1.3.2 Cultural Resources

Section 106 of the NHPA requires the BLM and cooperating federal agencies to consider the effects of the agency's undertaking on properties listed on, or eligible for, the National Register of Historic Places (which can include a diversity of archaeological, historical, and traditional cultural resources). Regulations for Protection of Historic Properties (36 CFR 800) implement Section 106 and define a process for federal agencies to use in consulting SHPOs and other interested parties as they assess the effects of their undertakings. Pursuant to those regulations, the BLM will initiate Section 106 consultation with the Utah SHPO.

2.2 Scoping Approach

Although the BLM encourages commenting on the Project throughout the preparation of the EIS, the range of issues summarized in this report is based on the comments received during the agency and public scoping process. The activities listed below helped identify the issues and concerns related to the Project that will be addressed in the studies and analyses in the EIS.

- Announcements to inform the public of the Project, EIS preparation, and the public scoping meetings included the *Federal Register* NOI (legal notice); media releases distributed via email to radio and newspaper outlets (the Vernal Express, Uinta Basin Standard, the Salt Lake Tribune, and Deseret News) in Utah; and legal notices.
- A newsletter was distributed to parties on the Project mailing list, which included federal, state, and local agencies, organizations, special-interest groups, and individuals on mailing lists maintained by the BLM Vernal Field Office. The newsletter introduced the Project, solicited input for the environmental analysis, and announced upcoming public scoping meetings.
- The BLM published the newsletter on the VFO website and the Environmental Notification Bulletin Board. The website can be found at <http://www.blm.gov/ut/st/en/fo/vernal/planning/nepa.html>. A link was provided for the public to submit comments via email at blm_ut_vernal_comments@blm.gov.
- Two public open-house meetings were held in July 2013 to introduce the Project, explain the purpose of and need for the Project, describe the Project, explain the planning and permitting process, and solicit comments useful for the environmental analysis.

2.2.1 Notification

A NOI was published in the *Federal Register* by the BLM on July 1, 2013 (Vol. 78, No. 126, pages 39313 to 39314), announcing (1) the preparation of an EIS for the proposed Project and (2) the opportunity for public input through scoping. The publication of the NOI initiated the formal, 30-day scoping period, which ended on August 1, 2013.

The first in a series of newsletters was mailed by the BLM on July 1, 2013 to approximately 294 individuals, agencies, and interested organizations on the Project mailing list. A copy of the NOI, newsletter and legal notice are provided in Appendix A. In addition, an announcement and newsletter were posted on the BLM Project website, Environmental Notification Bulletin Board, and the BLM

submitted a media release regarding the project and upcoming public meetings to radio stations and newspapers in the Project area (refer to Appendix A).

2.2.2 Scoping Meetings

The BLM hosted two scoping meetings in July 2013 with an attendance totaling 152 people (Table 2-1). The meetings were an opportunity for the BLM to inform those in attendance about the Project and the EIS process and to solicit input on the scope of the Project and potential issues. An open-house format was used for the meetings. Handouts including a Project map, initial newsletter, and comment form were provided. Several informational display stations were positioned around the meeting room to help explain the purpose of and need for the Project; introduce the Project proponent, Enefit; provide a description of the Project; outline the EIS process and timeline; list the cooperating agencies that are participating in the EIS process; and identify a preliminary list of issues to be addressed in the EIS. One station in the meeting room was equipped with a PowerPoint slideshow presenting this information. Representatives from the BLM, the Applicant, and the BLM’s third-party EIS consultant, Environmental Planning Group, LLC (EPG) were present and available to explain Project information and answer questions. Comments were submitted in comment forms or letters. The BLM received a total of 39 comment submittals during the two open houses.

Date	Location	Attendance	Number of Submittals
July 16, 2013	Vernal	40	19
July 17, 2013	Salt Lake City	112	20
Totals:	2	152	39

Copies of the scoping meeting materials are provided in Appendix C, including meeting sign-in sheets, information that was provided at each station, and an example of the comment form.

THIS PAGE INTENTIONALLY LEFT BLANK

CHAPTER 3 – COMMENT ANALYSIS

This section provides an explanation of how comments were collected, analyzed, and will be addressed in the EIS, as well as a summary of the comments and a list of the issues derived from the comments. Substantive comments, and the issues derived from the comments, not discussed in this scoping report will be discussed in the EIS.

3.1 Collection of Comments

Comments—integral in helping determine the scope of issues to address in the analyses and in the EIS—were accepted at the scoping meetings, via electronic mail (email), and via U.S. mail at the BLM Vernal Field Office. The BLM requested comments be received or postmarked by the end of the 30-day scoping period, August 1, 2013, but comments received after the close of scoping were accepted. Additional comments received will be reviewed to determine if they include issues needing to be addressed in the EIS. As of the date of this report, the BLM received 260 submittals, including:

- letters from federal, state, and local agencies, special-interest groups, corporations, and individuals;
- comment forms; and
- email messages

Four different form letters were received with one form letter comprising 95 submittals. A copy of the letters, comment forms, and emails received are provided in Appendix D. After all comments were received, reviewed, and documented, individual comments were entered into a database to assist with the analytical review. The database was established to help track comments throughout the life of the Project's NEPA process.

3.2 Comment Analysis

To identify the issues that need to be addressed in the EIS, the comments received from the public and agencies were reviewed by the BLM. The BLM NEPA Handbook describes two types of comments that can be received during the NEPA process: substantive and non-substantive (BLM 2008). Comments considered to be non-substantive can be in favor of or against proposed actions, or only agree or disagree with BLM policy or resource decisions without reasoning that meet criteria for substantive comments. In addition, a comment that does not pertain to the Project area, is vague, or has open-ended questions is considered non-substantive. Substantive comments are those that present information relevant to analysis, present reasonable alternatives other than those presented in the scoping period, or could cause changes or revisions to one or more of the alternatives (BLM 2008).

Substantive comments were identified as pertaining to the following categories:

- Applicant's Interest and Objectives
- Project Description
- Climate and Air Quality
- Soil and Water
- Vegetation

- Fish and Wildlife
- Cultural Resources
- Native American Concerns
- Paleontological Resources
- Visual Resources
- Travel Management
- Wilderness Characteristics
- Lands and Realty
- Social and Economic Conditions
- Environmental justice
- Other

3.2.1 Processing Comments

All comments received were saved electronically, either directly from a submittal sent electronically, or scanned from a paper copy into a portable document format (.pdf) document. When entered into the database, each comment submittal received a number, unique to the entire submittal, and the comment(s) contained in the submittal were entered by date, comment type (comment form, letter, email, other), and category. When available, information about the submittal was captured, including name, agency or organization affiliation, address, and what stage of the Project the comment was received (in this case each was identified as a scoping comment). The electronic files of each of the submittals were included in the comment database attached to the record of the submittal.

Each submittal was reviewed to identify substantive comments relevant to the EIS. Each substantive comment was copied into a comment field, analyzed, and assigned one of the categories in Section 3.2. Once all comments were analyzed for each submittal and assigned a category, the comments were sorted by category. All similar comments in each category were reviewed and summarized to facilitate identification of issues to be addressed in the EIS. Each comment is linked to the original submittal and author, and an electronic copy of the submittal is attached to the record in the database for ease of reference (if needed). Any requests for data or for the submitter to be added to the Project mailing list were noted during comment analysis, but are not included as scoping comments in this report.

3.3 How the Comments Will Be Addressed in the EIS

The BLM will use the comments in developing the EIS. Individual comments may be reviewed in more depth if needed to understand the concern.

Comments regarding the Project and preliminary alternatives will be considered by the BLM and cooperating agencies in refining the Project description and alternatives that will be analyzed in detail in the EIS. The NEPA requires a rigorous analysis of alternatives prior to selecting a preferred course of action or informing the agencies' decision. Some alternatives suggested through scoping that may not be environmentally or economically viable or otherwise feasible, or do not meet the purpose and need for the Project, will not be studied in detail. Others that may be considered viable, including an alternative of taking no action, will be analyzed in the EIS. The EIS will present a summary of this evaluation process and will describe alternatives, including ones considered but not carried forward.

The NEPA requires analysis of the impacts of a project on the environment. These impacts include effects on both natural resources and human resources. Discussion with affected agencies and the public, such as those resulting from this scoping effort, help define and evaluate the effects of the different alternatives on the human environment. Comments related to environmental impacts will be considered by the BLM in developing the scope of EIS technical studies and will include comments regarding data-gathering methods and sources as well as impact assessment methodologies. The EIS also will describe how these issues were incorporated and addressed in the studies.

In accordance with Council on Environmental Quality regulations and supplemental authorities providing procedural or substantive responsibilities relevant to the NEPA process, some suggestions relating to facilities not included in the Proposed Action or issues raised that are not relevant to a reasoned choice between alternatives may be considered to be outside of the scope of the EIS process. These issues will not be addressed in the EIS.

3.4 Comment Analysis Results

In the 260 submittals, the majority of comments focused on the effects of the non-Federal connected action of developing oil shale (i.e., Enefit's South Project) rather than on the Proposed Action, which is upgrading access into the property, construction and operation of the water and natural-gas pipeline and 138kV transmission line, and construction and operation of the product-delivery pipeline. Of the approximately 280 comments identified, approximately 18 percent of the comments specifically address potential effects of the Proposed Action.

As an overview of the majority of comments received, concerns were expressed that the conversion of oil shale into useable fuels consumes water and energy, affects surface and subsurface environments, and produces emissions, effluents, and solid waste that should be or may not be captured, managed, and disposed of. Further, the fuels consumed affect the environment in various ways. The primary effects expressed in the concerns are on uses (and destruction) of the land and resources, and creation of waste and air and water pollution. Comments express that the effects of emissions from production and refining contribute to climate change. With growing concern about global warming, carbon intensity has become an important aspect in assessing liquid-fuels-production technologies. Comments recommended that the effects of the Proposed Action; alternatives; and, cumulative past, present, and reasonably foreseeable actions be evaluated. The comments from scoping are summarized below in themes dominant in the comment submittals.

3.4.1 Applicant's Interests and Objectives

Comments expressing opposition to the Applicant's South Project questioned the interests and objectives of the Project that would affect other revenue-generating activities such as tourism and recreation. Some comments urged development of—and federal agencies' responsibility to enable—environmentally sound and responsible technologies and management practices for the South Project.

3.4.2 Project Description

Comments in favor of the South Project suggested developing oil shale as an energy fuel, where comments in opposition of the South Project suggested development of alternative energy resources (e.g.,

renewable sources), with these comments in favor of contributing to reducing U.S. dependence on foreign oil as a factor in achieving Utah and the nations' energy security objective, conservation and/or developing other sources of energy, such as cleaner renewable sources (e.g., wind, solar), rather than developing oil shale, which would disturb a large amount of land and have a potential detrimental effect on natural resources. Another point of view expressed that Enefit should ensure that more than 50 percent of the energy needed for operations should be provided from renewable sources; perhaps purchase, install, and employ renewable sources for energy needed to operate the South Project.

3.4.3 Other Resource Concerns

Comments urged the BLM to fully disclose all potential impacts from the Proposed Action as well as Enefit's South Project. Comments on resources or resource uses expressing the most concern (i.e., air quality and climate change, social and economic conditions, water quantity and quality). Other concerns to address in the EIS include aquatic and terrestrial wildlife and their habitats, including special-status species; vegetation; increased access into areas opened for the projects; specially designated lands; and reclamation.

3.4.3.1 Climate and Air Quality

Concerns were expressed that activities related to mining the oil shale would produce dust and emissions. Concerns were expressed that uranium is present in the area and mining activities would mobilize it in fugitive dust. Comments noted that processing the oil shale to produce shale oil (while using energy from coal-fired generation), resulting in production-plant emissions, would affect air quality, increasing pollution in the Uinta Basin. Refining the shale oil at Salt Lake County and Davis County refineries could contribute to and/or increase the impact on air quality and associated health effects in the Salt Lake Valley and other Wasatch Front communities. Use of (i.e., combustion) of the fossil fuel contributes to air pollution and climate change. Such air pollution is a threat to human health, and climate change would likely affect local ecosystems; reduce snowpack in the mountains from warming trends attributed to climate change, snowpack that provides water for the region and supports jobs and recreation. Comments requested assurances that Enefit ensures frequent air-quality monitoring and newest technologies will be used to mitigate effects on air quality. Comments indicated that adequate air quality analyses have not been conducted for the projects and urged the BLM to conduct quantitative dispersion modeling to analyze effects on air quality from the projects as well as cumulative effects, which is the only way the BLM can assure the public that federal and state air quality standards are being met. Comments also requested that an estimate of the greenhouse gas emissions associated with the Utility Corridor Project and the South Project and the potential climate change impacts be included in the EIS, with reasonable alternatives and/or mitigation to reduce these impacts.

Comments indicated that, if allowable levels of ozone are exceeded in the Uinta Basin, as outlined by the EPA, the Uinta Basin will be declared nonattainment and forced to develop a state implementation plan to manage the issue.

Other comments expressed that industry practices and advancements have progressed and best available air-emission controls and monitoring to comply with air quality regulations should be employed.

3.4.3.2 Soil and Water

Concerns were expressed that the large quantity of water needed to extract the oil from the oil shale will stress an already overstressed and irreplaceable resource; the West is experiencing water shortages due to lengthy drought brought on by climate change as well as continued growth in the region. Concern was expressed about having sufficient water supply to continue existing livelihoods (e.g., farming, ranching, water-related recreational activities). Contamination of water (wastewater, potential for rupture and spill from the product-delivery pipeline) in the arid region cannot be afforded, and would affect not only human health but the natural habitat, wildlife, and diminish recreation opportunities. A critical analysis (including groundwater, perennial and ephemeral surface water) in the EIS would help inform the application of the state's permitting requirements, including groundwater discharge permit, which most likely will be required. This analysis should take into account the potential erosion, loss of vegetation, and presence of windblown pollutants.

The EPA Region 8 recommended that groundwater and surface water resources in the development area be mapped and addressed in the EIS and that baseline data on the condition and quality of surface waters be considered in the analysis. EPA also recommended that a discussion of the groundwater resources be included in the EIS for both the Utility Corridor Project and the South Project as well as an explanation of water quality monitoring before, during, and after for the Utility Corridor Project and the South Project. In addition to surface and groundwater resource impacts, the EPA suggested that an analysis of impacts on wetlands, riparian areas, and floodplains and methods (including mitigation requirements and best management practices) to protect these areas for the Utility Corridor Project and the South Project be included in the EIS.

Other comments expressed that technologies and best management practices to protect groundwater during oil-shale development have been commercially demonstrated in mining and chemical processing operations.

3.4.3.3 Vegetation

Regarding vegetation and habitat, comments urged mitigation and effective reclamation of all disturbed land be assured on both public and private land, leaving minimal scarring of the landscape. One comment requested assurances, based on similar projects in eastern Utah, that disturbed areas are revegetated to a natural state, minimizing introduction or spread of invasive plant species. Another comment expressed concern about dust from project activities (mining, use of dirt roads) and emissions from production operations settling on and affecting vegetation. Another comment stated that pipeline corridors and mining areas can be reclaimed to achieve denser vegetation than surrounding areas, which offers cover and feed for wildlife and livestock.

3.4.3.4 Fish and Wildlife

Comments expressed concern about the effects that the transmission line, water pipeline, and upgrading of the road, as well as the South Project, would have on the ecological balance in the area, wildlife habitat, and special-status plants and wildlife. Activities associated with the projects will disrupt large areas of habitat for many species; displace and disrupt migration and feeding patterns; and result in casualties resulting from project-related vehicular traffic, particularly big game; and diminished water availability will affect wildlife populations. Comments expressed concern regarding potential effects on special status species of wildlife and their habitats (e.g., greater sage-grouse; raptors, in particular golden

eagles; migratory birds, BLM-sensitive species); urged thorough assessment of greater-sage-grouse habitat, individuals, and leks. An organization submitted comments urging the BLM to conduct a thorough investigation of the impacts of the utility corridors on raptors in order to assess the risk to raptor populations and, by understanding how raptors use the landscape in proximity to the Project, the effects of raptors and corvids on sensitive prey-base species (e.g., greater sage-grouse) can be managed better. Another comment stated that greater sage-grouse is not a factor in the area.

Comments received from the Utah Governor's Public Lands Policy Coordination Office (PLPCO) expressed concern with impacts to aquatic special status species and the mitigation that should be used to reduce impacts, including mitigation measures that would reduce the likelihood of introducing aquatic invasive species by heavy equipment used in construction and operation of the Utility Corridor Project. PLPCO also provided comments regarding mitigation of impacts on big game and documentation of raptor nests within the Utility Corridor Project.

3.4.3.5 Cultural Resources

Comments urged compliance with the National Historic Preservation Act considering there are prehistoric sites in the area, some of which are eligible to the National Register of Historic Places.

3.4.3.6 Native American Concerns

Comments stated that, if land of interest to Native Americans or Indian tribes is affected, they must be consulted, the potential effects must be considered, and their interests must be respected by Enefit.

3.4.3.7 Paleontological Resources

Comments requesting that the BLM fully analyze the effects of the projects on paleontological resources were received.

3.4.3.8 Visual Resources

A comment received indicated concerns on impacts to Utah's beautiful landscape being destroyed.

3.4.3.9 Wilderness Characteristics

Other comments asked that the BLM fully analyze the effects of the projects on land with wilderness characteristics.

3.4.3.10 Travel Management

Comments indicated that access and travel need to be analyzed and managed, as opening more land for development also opens the land for increased use of off-highway vehicles, which will disturb the landscape of the wild lands left in Utah.

3.4.3.11 Lands and Realty

Two entities, U.S. Department of Energy Western Area Power Administration (Western), a federal power-marketing agency, and EOG Resources, Inc. (EOG), oil-and-gas- lessee and operator, each submitted a letter explaining the locations of the paths of the utility corridors would conflict and possibly interfere with operation of their respective facilities. Western requested BLM place stipulations in the right-of-way grant issued to Enefit to avoid interference with its operation and maintenance of its existing Bear's Ears to Bonanza 345kV transmission line. EOG provided direction regarding avoidance of well pads by the proposed Enefit 138kV transmission line and asked that an alternate path for the water pipeline be used to avoid a proposed well pad and associated access road and pipeline. Another comment enquired about what activities would be allowed within the rights-of-way once the transmission line is built.

A comment received identified one of the Section 368 (Energy Policy Act of 2005) energy corridors identified in the 2009 West-Wide Energy Corridors Programmatic EIS. In accordance with the settlement Agreement the *Wilderness Society, et al. v. United States Department of the Interior, et al., No. 3:09-cv-03048-JW (N.D. Cal)* the corridor (126-258) is in proximity to Enefit's properties, including the Enefit South Property. The Settlement Agreement acknowledges known conflicts in the corridor. The NEPA review will address whether the use of the corridor is appropriate for the Project.

3.4.3.12 Social and Economic Conditions

Comments in support of the South Project emphasized that it will benefit the local and state economy, providing jobs and increased services during construction and operation. Comments indicated that good jobs will allow opportunities to keep families together rather than individuals having to leave the area to find work. Comments indicate that the economy in the Uinta Basin is dependent on mineral extraction; the revenue generated will support growth in the region. Natural resources should be used to realize the social and economic benefits and contribute to the nation's objectives of reducing costs of and dependence on foreign-oil imports.

Comments opposing the South Project expressed that the region currently derives long-term sustainable economic value from tourism, and industrial development will interfere with the livelihoods of the people in the region who rely on tourism for their regional economy. Comments suggested that tourism and recreation be promoted to increase economic benefit rather than develop oil shale. In addition, comments expressed concern about taxpayer dollars that will be used to support the project and/or pay for damage left unmitigated. Comments suggested that Enefit be required to post a bond to cover the expense of remediation and/or reclamation if the company cannot follow through with its commitments.

3.4.3.13 Environmental Justice

Comments received from the EPA suggested the EIS include: identification of any minority, low-income and tribal communities within the geographic scope of the impact area, including data sources and methodology; a detailed assessment of environmental justice concerns for any environmental justice communities to the extent information is available; and identify mitigation measures to reduce any disproportionate impacts related to the both the Utility Corridor Project and the South Project.

3.4.4 Other Comments Received

3.4.4.1 Health and Safety

As discussed previously in this section, comments expressed concerns about the effects of dust from mining, particularly if the dust contains uranium and from the emissions from processing oil shale into shale oil in the Uinta Basin; and effects of the emissions from the refineries in Salt Lake County and Davis County that affect human health in the Salt Lake Valley and other communities along the Wasatch Front. Also comments expressed concern about contamination of water sources (surface and groundwater) from mining and disposal of wastewater from production.

Comments expressed concern about the potential for a rupture of the product-delivery pipeline and consequent spill that could contaminate and/or endanger natural resources. It was strongly recommended that the existing pipelines for water and product to which the Enefit-proposed water and product pipelines would be connected are thoroughly stress tested followed by a rigorous schedule of inspections, as the existing pipelines may already be compromised by age and/or unknown current condition extra stress due to the increased load placed under high pressure.

3.4.4.2 Solid and Hazardous Waste Management

Comments expressed concern regarding solid and hazardous waste, some of which were mentioned previously in this section. A comment requested the BLM to disclose in the EIS the constituents that Enefit plans to use in the extraction process and any it intends to release into the environment, as well as any plans it has to contain both hazardous and solid wastes, including mitigation options that have been identified to prevent accidental release into the environment. Without this information, it may be difficult to know what permits and appropriate precautions have been taken to protect both human and natural environment. Other comments requested assurances that Enefit would be responsible for clean-up of any unapproved releases of hazardous waste into the environment.

3.4.4.3 Indirect and Cumulative Effects

The EPA Region 8 submitted a letter (Submittal No. 2) recommends that:

In addition to looking at direct impacts in the immediate vicinity of the proposed ROWs [rights-of-way], CEQ [Council on Environmental Quality] regulations (Sections 1502.16) instruct agencies to consider other effects that are reasonably foreseeable. Thus the EPA supports the BLM's plans to evaluate the potential impacts of Enefit's South Project in addition to considering the impacts of ROW development. The evaluation would appropriately include air emissions and greenhouse gas emissions, potential impacts to quality and quantity of water resources, and the potential related human health impacts to local communities from mining, retorting, upgrading, and waste management activities.

Comments also noted that the BLM did not conduct a cumulative-effects analysis when preparing the 2012 Oil Shale and Tar Sands Programmatic EIS and Resource Management Plan Amendments, but deferred cumulative-effects analysis to be conducted for subsequent project-specific NEPA analyses. Cumulative-effects analysis should include effects on, at least, air quality, water quality and quantity, and special-status species (e.g., golden eagles, greater sage-grouse, migratory birds, BLM-sensitive species).

3.5 Issues Derived From Scoping Comments

Issues and concerns identified during agency and public scoping are summarized in this section in the form of questions to be addressed in the EIS.

- **Applicant's Interests and Objectives**
 - What technical data and information from the Applicant needs to be included in the EIS to support the Applicant's purpose and need for the South Project and Utility Corridor Project?
 - What potential sources of energy are available to displace or replace energy from oil-shale development?
 - What potential is there to use renewable energy sources for powering the Applicant's shale-oil production operations?
- **Project Description**
 - What design features, mitigation, and control measure can be employed as part of the Utility Corridor Project and the South Project to minimize and manage impacts?
 - What assurances can be implemented to ensure reclamation of areas disturbed by the Utility Corridor Project and the South Project to natural conditions?
 - What are the federal agency's responsibilities to enable environmentally responsible development of the Utility Corridor Project and the South Project?
- **Climate and Air Quality**
 - What are the potential effects on air quality from South Project facility construction and oil-shale mining and processing in the Uinta Basin?
 - What are the potential effects on air quality from South Project shale-oil refining in Salt Lake and Davis counties?
 - What are the potential effects on air quality from construction, operation, and maintenance of the utility corridors and what the cumulative effects on air quality from the Utility Corridor Project, South Project, and other past, present, and reasonably foreseeable future actions?
 - What are the potential effects of the Utility Corridor Project and the South Project on climate change?
- **Soil and Water**
 - What are the potential effects of the Utility Corridor Project and the South Project on existing water supply in the region?
 - What are the potential effects of the South Project on the quality of groundwater and surface water in the region?
 - What are the potential effects of the Utility Corridor Project on the quality of groundwater and surface water in the region?
- **Vegetation**
 - What are the potential effects on vegetation from the construction, operation, and maintenance of the Utility Corridor Project and the South Project mining activities?
 - What are the potential effects of fugitive dust from mining and emissions from Utility Corridor Project and the South Project shale-oil production on vegetation?
 - What is the potential for introduction and/or spread for noxious weeds and/or invasive plant species from construction and operation of the Utility Corridor Project and the South Project mining?

- **Fish and Wildlife**
 - What are the potential effects of the Utility Corridor Project and the South Project mining on wildlife species and their habitats, including but not limited to:
 - Big game
 - Greater sage-grouse
 - Raptors (e.g., golden eagle)
 - Migratory birds
 - Special-status wildlife species (including BLM-sensitive species)

- **Cultural Resources**
 - What are the potential effects of the Utility Corridor Project and the South Project on prehistoric and historic sites, and on traditional cultural properties?

- **Native American Concerns**
 - What involvement of affected American Indian tribes should there be in the preparation of the EIS?
 - What are the effects of the Utility Corridor Project and the South Project on Native Americans and/or American Indian tribes?

- **Paleontological Resources**
 - What are the potential effects of the Utility Corridor Project and the South Project on paleontological resources in the area?

- **Visual Resources**
 - What are the potential effects of the Utility Corridor Project and the South Project on the visual landscape of the region?

- **Wilderness Characteristics**
 - What are the potential effects of the Utility Corridor Project on lands with wilderness characteristics?

- **Travel Management**
 - What are the effects of opening the area for the Utility Corridor Project and South Project mining on travel management (off-highway-vehicle use)?

- **Lands and Realty**
 - What are the effects of the Utility Corridor Project on existing utility infrastructure?
 - What are the potential effects of the Utility Corridor on proposed oil and/or gas well pads?
 - What are the effects of the Utility Corridor Project being within a Section 368 utility corridor with known conflicts?

- **Social and Economic Conditions**
 - What are the effects of and the Utility Corridor Project and the South Project on existing and future economic growth in Uintah County?
 - What are the effects of the Utility Corridor Project and the South Project on the existing and future economy of the State of Utah?
 - What is the availability of employment associated with the Utility Corridor Project and the South Project?

- What are the effects of the Utility Corridor Project and the South Project on tourism and recreation in the region?
- **Environmental Justice**
 - What are the potential effects of the Utility Corridor Project and the South Project on any minority, low-income, and/or tribal communities in the geographic scope of the impact area?
- **Health and Safety**
 - What are the potential health effects from the Utility Corridor Project and the South Project mining (dust) and shale-oil production emissions in the Uinta Basin?
 - What are the potential health effects from the emissions associated with refining South Project shale oil in Salt Lake and Davis counties?
 - What are the potential health and safety effects from a potential rupture of the product-delivery pipeline?
 - What are the potential health effects from potential contamination of water from the South Project and/or a potential rupture of the product-delivery pipeline?
- **Solid and Hazardous Waste Management**
 - What are the effects from the constituents that Enefit plans to use in the extraction process for the South Project and release into the environment?
 - What are the potential effects and mitigation options for hazardous and solid wastes contained on the South Project?
 - What will be the response and mitigation for clean up on unapproved releases of hazardous waste into the environment?
- **Indirect and Cumulative Impacts**
 - What are the cumulative effects of the Utility Corridor Project and South Project in addition to reasonably foreseeable development and past and present development on air quality, water quality and quantity, and special-status species?

THIS PAGE INTENTIONALLY LEFT BLANK

CHAPTER 4 – SUMMARY OF FUTURE STEPS IN THE PLANNING PROCESS

Considering all the public and agency comments, the BLM and cooperating agencies will refine the alternatives to be studied in detail in the EIS. Once the alternatives have been refined, the studies and level of detail to be addressed (reflecting the issues identified during scoping) will be determined. Data and information will be compiled from existing sources. Then, impacts that could result from implementing any of the alternatives will be analyzed and measures to reduce those impacts will be identified, where warranted. The findings will be documented in a Draft EIS.

The Draft EIS will be made available for public and agency review, which is anticipated to be in the third quarter of 2014. The availability of the Draft EIS will be announced in the *Federal Register* and advertised in local and regional media. Public comments will be accepted during the public review and comment period, which is a minimum of 45 days, during which public meetings or hearings will be held to receive comments on the adequacy of the Draft EIS. The BLM, in coordination with the cooperating agencies, will review the comments to identify substantive comments. Other non-substantive comments will be counted and summarized in the EIS, but will not alter what is addressed in the EIS.

The Final EIS will be made available to the public and agencies for a period of 30 days (estimated to occur within the second quarter 2015 timeframe). The availability of the Final EIS will be announced in the *Federal Register* and advertised in local and regional media. Following the 30-day period, the BLM will issue a Record of Decision and will decide whether or not to grant the rights-of-way.

The BLM will continue to consider public comments throughout the EIS process. Newsletters will be sent to those on the mailing list to announce the availability of the Draft EIS and the Final EIS. Information about the progress of the EIS will be available on the Project website (http://www.blm.gov/ut/st/en/fo/vernal/planning/nepa_.html), which is periodically updated.

THIS PAGE INTENTIONALLY LEFT BLANK

CHAPTER 5 – LITERATURE CITED

U.S. Department of the Interior, Bureau of Land Management. 2008. National Environmental Policy Act Handbook H-1709-1. January 2008.

THIS PAGE INTENTIONALLY LEFT BLANK