



June 10, 2016

Ms. Stephanie Howard
Bureau of Land Management
170 South 500 East
Vernal, UT 84078

Via email to UT_Vernal_Comments@blm.gov

Dear Ms. Howard,

On April 8, 2016, the U.S. Department of the Interior, Bureau of Land Management (“BLM”) published the Draft Environmental Impact Statement for the Enefit American Oil Utility Corridor Project (“DEIS”), project identification code DOI-BLM-UT-G010-2014-0007-EIS, pursuant to the National Environmental Policy Act of 1973 (“NEPA”). Enefit American Oil (“EAO”; referred to as “the Applicant” in the DEIS) appreciates the opportunity to review and comment on the BLM’s DEIS and respectfully submits these comments and requests that this letter and its attachments be included in the administrative record for the matter.

I. GENERAL COMMENTS

The general comments provided in this section are larger topics that may affect multiple sections of the final EIS and/or record of decision. It is important to note that these comments should not be construed as implying that the BLM’s DEIS is deficient or warrants supplemental revision and publication. Rather, they are intended to improve the clarity of the BLM’s final impact analysis, as well as the defensibility of the BLM’s final decision on the proposal.

Connected Action

There are two issues surrounding the BLM’s treatment of the South Project as a connected action and cumulative action. The first issue is regarding *how* the BLM came to the conclusion that the South Project is a connected action, and the second issue is, once that decision was made, how that determination affected the environmental impact analysis. Both issues are discussed in addition detail below.

Regarding the first issue, it is important that the BLM initially makes clear for the lay-reader what the difference is between a connected action, a non-federal connected action, and a cumulative action (prior to even broaching the specifics surrounding the South Project). Following that general explanation and categorization, the BLM then needs to explain why the South Project is being treated as a connected action, and how the agency came to the conclusion that this is the proper treatment. The BLM alludes to this process in Section 1.2.1 Scope of Analysis, on page 1-5. However, it is not fully clear on what basis – the Council on Environmental Quality (“CEQ”) NEPA implementing regulations, the BLM NEPA Handbook (H-1790-1), relevant case law and/or other reference – the BLM made this decision. It is incumbent upon the BLM to disclose the basis for this determination, such that the reader has context as to how and why the South Project is analyzed in the manner that it is throughout the document.

Under Section 1.2.1 Scope of Analysis, the DEIS states,

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Comment Number	Chapter	Section/Table/ Figure Number	Section/Table/ Figure Title	Page Number	Paragraph Number	Line Number	Comment	Recommendation
70	2	Map 2-1	Typical Right of Way Configuration	2-3	N/A	N/A	This map depicts the "South Project Plant Site Area" and "South Project Mine Site Area". As indicated in the GIS data delivery of shapefiles from EAO to the BLM on April 10, 2013, both the plant and mine sites are considered preliminary at this time.	Include the term "Preliminary" when describing the South Project Plant Site Area and South Project Mine Site Area on Map 2-1, and on all other maps in which these features appear.
71	2	Table 2-2	Miles Crossed, Permanent Surface Disturbance Acreage, and Percentage By Land Jurisdiction for Each Utility Corridor Facility	2-5	N/A	N/A	This table includes a footnote number 2 associated with the natural gas pipeline acres. That footnote number 2 should also be associated with the product delivery pipeline, since the information applies to both.	Add a superscript "2" after the product delivery pipeline acreage value 68.3.
72	2	2.2.1	Water Supply Pipeline	2-6	1st paragraph	5-6	This section refers to "...conveyance of the Applicant's existing, approved water right..." As indicated in Section 4.1.1 Water Supply of EAO's Detailed Plan of Development (DPOD), the correct terminology should be "...conveyance of an existing, approved water right...", as the water right itself is not held in EAO's name. EAO has an exclusive contractual right to use said water for the intended industrial use, in the amount indicated; however, the right itself is held in another corporate entity's name.	Revise water right language, here and elsewhere in the document (e.g. Section 2.2.1.1 Water Right and Point of Diversion, 1st paragraph, lines 1 and 8), to reflect an existing, approved water right, as opposed to the Applicant's existing, approved water right.
73	2	2.2.1.1	Water Right and Point of Diversion	2-6	1st paragraph	2	The text indicates that the water right "allows for a point of diversion from either the White River or the Green River" (emphasis added). To be clear, the water right allows for one or more points of diversion from either the White River or the Green River, and there are several existing approved points of diversion.	Revise the text to clearly indicate that the water right can be utilized from one or more points of diversion.
74	2	2.2.1.1	Water Right and Point of Diversion	2-6	2nd paragraph	N/A	It is important to note that EAO owns land adjacent to the existing DGT water well field, where one or more additional collector wells would be installed and then connected into the existing DGT delivery system. In other words, the "first leg of delivery" would actually consist of one or more new collector wells located on private land owned by the Applicant, followed by a short (i.e. less than 0.1 mile) new pipeline connection to the DGT delivery system located on private land owned by the Applicant and/or DGT, and then delivery would occur within the DGT existing system from that connection. Further, these new collector wells should be analyzed as a connected action to the water supply pipeline right-of-way, as they would not be constructed at this location without the BLM's authorization of a right-of-way for the newly-proposed water pipeline. They are included in Table 2-1, but the DEIS does not further describe the affected environment or analyze the environmental consequences of developing these new wells.	Clarify text accordingly, and add the new collector wells to the appropriate affected environment and environmental consequences sections of the FEIS. Alternately, the BLM may more clearly explain why they are not further analyzed in the document.
75	2	Map 2-2	Green River Water Intake Location	2-7	N/A	N/A	This figure should include a new polygon that shows the EAO well field property, which is adjacent to the DGT well field property already shown. The property is owned in fee title by EAO Real Estate Corporation. This should be shown in both the main view and in Inset 1.	Add EAO Real Estate Corporation well field property adjacent to DGT well field property.