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Groups sue to reverse the feds' approval of right of way needed for eastern Utah oil shale mining

By Brian Maffly

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A proposed oil shale mine and ore-processing project in the Uinta Basin is under legal fire from several environmental groups that are seeking to invalidate a recent Bureau of Land Management decision to let the developer cut a 14-mile [utility corridor across public land](#).

In a lawsuit filed Thursday in Salt Lake City's U.S. District Court, the groups say the BLM's environmental review should have considered the impacts to air, water, wildlife and climate from the massive strip mine proposed on private land by [Enefit American Oil](#).

The BLM had declined to conduct the wider analysis, opting instead to look only at the direct impacts associated with the construction of pipelines, roads and transmission lines to the project, which is angling to be the first oil shale mine in North America to produce commercial quantities of crude oil.

"The BLM approved the rights of way to service Enefit's proposed oil shale mine and processing facility based on an utterly inadequate analysis of potentially devastating air, water, climate and species impacts," said Michael Toll, a staff attorney at Grand Canyon Trust. "Considering the rights of way are a public subsidy of an otherwise economically unfeasible oil shale development, the public has a right to know exactly how Enefit's project will impact their health and environment."

A BLM spokeswoman declined to comment because the matter is under litigation.

Enefit previously has argued that the larger environmental analysis should not be required because its project could move forward without the proposed rights of way. The corridor would lessen the project's impacts and further reviews will be required before mining begins, executives say.

A subsidiary of a large state-run Estonian energy firm, [Enefit hopes to develop a mine on 9,000 acres](#) near the White River, along with a 320-acre processing plant that would "retort" ore known as kerogen. This rockbound hydrocarbon can be converted to crude if subjected to intense heat and pressure. As a result, this form of energy extraction uses large amounts of energy and water.

The company hopes to produce up to 50,000 barrels a day, extracted from 28 million tons of ore mined each year for up to 30 years. It is seeking rights to nearly 11,000 acre-feet of water that would be needed to extract and process the ore. Spent ore would then be returned to the mine pit.

"It's going to have huge climate impacts because it's more carbon-intensive than drilling for oil. The Uinta Basin is already violating air standards [for ozone pollution] so it's going to make it more unhealthy," said Ted Zukoski, a staff attorney with the Center for Biological Diversity. "You are going to have water pollution and up to 11,000 acre-feet getting sucked out of the river."

The suit also targets the U.S. Fish and Wildlife Service for its determination that endangered species of fish inhabiting the Green River will not be harmed, reasoning that building the utility corridor will not divert much water from the river. But that logic ignores the huge volumes that Enefit's oil shale operations would consume, according to the lawsuit.

"The service analyzed the impact on the fish species from building the water pipeline," the suit states, "but not from operating it."

Groups filing the suit include Living Rivers, Utah Physicians for a Healthy Environment, Sierra Club, Waterkeeper Alliance and the Natural Resources Defense Council. Earthjustice, a legal nonprofit, is helping Toll and Zukoski litigate the case.