

APPENDIX 2

MAJOR FEDERAL AUTHORIZING ACTIONS

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SECTION A

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Agency	Nature of Action	Authority	Project Feature
DEPARTMENT OF THE INTERIOR Bureau of Land Management	Grant rights-of-way	Title V of Federal Land Policy and Management Act of 1976, 43 U.S.C. Sections 1761-1771; CFR Part 28; and Section 28 of the Mineral Leasing Act, 30 U.S.C. Section 185; 43 CFR Part 2880	Corridor facilities; access roads, power transmission line, water supply pipeline, ore conveyors, underground mining tunnels, communication lines
	Grant rights-of-way on BLM, F&WS and FS land	Section 28 of the Mineral Leasing Act of 1920, 30 U.S.C. Section 185; 43 CFR Part 2880	Oil pipelines
	Issue leases and permits	Section 302 of Federal Land Policy and Management Act of 1976; 43 U.S.C. Section 1732	Facilities (other project components) not related to rights-of-way
	Issue temporary use permits	Title V of Federal Land Policy and Management Act: Section 28 of the Mineral Leasing Act of 1920	Temporary construction activities

APPENDIX 2
Major Federal Authorizing Actions

- SECTION A: Major Federal Authorizing Actions
- SECTION B: Major State Authorizing Actions
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- SECTION D: Resources Requiring Formal Consultation
- SECTION E: Federal Laws Affecting Oil Shale and Tar Sand Development

SECTION A

Agency	Nature of Action	Authority	Project Feature
DEPARTMENT OF THE INTERIOR Bureau of Land Management	Grant rights-of-way	Title V of Federal Land Policy and Management Act of 1976, 43 U.S.C. Sections 1761-1771; CFR Part 28; and Section 28 of the Mineral Leasing Act, 30 U.S.C. Section 185; 43 CFR Part 2880	Corridor facilities; access roads, power transmission line, water supply pipeline, ore conveyors, underground mining tunnels, communication lines
	Grant rights-of-way on BLM, F&WS and FS land	Section 28 of the Mineral Leasing Act of 1920, 30 U.S.C. Section 185; 43 CFR Part 2880	Oil pipelines
	Issue leases and permits	Section 302 of Federal Land Policy and Management Act of 1976; 43 U.S.C. Section 1732	Facilities (other project components) not related to rights-of-way
	Issue temporary use permits	Title V of Federal Land Policy and Management Act: Section 28 of the Mineral Leasing Act of 1920	Temporary construction activities

Appendix 2 (Continued)
SECTION A
Major Federal Authorizing Actions

Agency	Nature of Action	Authority	Project Feature
National Park Service	Issue antiquities or archaeological resource permit to excavate or remove archaeological resources on Public Lands	Antiquities Act of 1906; 16 U.S.C. Sections 431-433; Archaeological Resources Protection Act of 1979, 16 U.S.C. Sections 470aa-47011; 43 CFR Part 3	Access roads, power transmission lines, communication lines, water supply pipeline, and ore conveyor on public lands
Bureau of Indian Affairs (Uintah and Ouray Agency)	Grant rights-of-way to cross Indian lands	25 U.S.C. Sections 323-328; 25 CFR Part 161	Access roads, power transmission lines, water supply pipeline, product pipeline
349 U.S. Fish and Wildlife Service (Ouray National Wildlife Refuge)	Concur in right-of-way crossing National Wildlife Refuge Land	Section 28 of the Mineral Leasing Act of 1920, 30 U.S.C. Section 185; 50 CFR Section 29.21	Shale oil pipeline
	Review impact on threatened or endangered species of fish, wildlife, or plants	Section 7 of Endangered Species Act of 1973, 16 U.S.C. Section 1536; 50 CFR Part 402	All
ENVIRONMENTAL PROTECTION AGENCY	Receive and approve spill prevention control and countermeasure plan	Section 311 of Federal Water Pollution Control Act Amendment of 1972, 33 U.S.C. Section 1321; 40 CFR Part 112	Intermediate and product storage tanks
	Issue Resource Conservation and Recovery Permit for treatment, storage, or disposal of hazardous waste	Section 3005 of Resource Conservation and Recovery Act of 1976, 42 U.S.C. Section 6925; 40 CFR Parts 122, 124, 260-267	Hazardous waste disposal

Appendix 2 (Continued)
SECTION A
Major Federal Authorizing Actions

Agency	Nature of Action	Authority	Project Feature
	Register generators of hazardous waste	Section 3002 of Resource Conservation and Recovery Act of 1976, 42 U.S.C. Section 6922; 40 CFR Parts 122, 262	Hazardous waste generation
	Issue a nondischarging National Pollutant Discharge Elimination System Permit	Section 402 of Federal Water Pollution Control Act Amendments of 1972, as amended; 33 U.S.C. Section 1342; 40 CFR Parts 122, 123, 124, and 125	Water ponds and treatment plants
	Issue permit for reinjection of mine water	Part C of Safe Drinking Water Act, 42 U.S.C. Sections 300h to 300h-3; 40 CFR Parts 122, 124, 146	Underground injection wells. (The Utah Department of Health, Division of Environmental Health, Bureau of Water Pollution Control has applied for primacy under the UIC program. Once primacy is attained, this permit will not be required.)
	Permit manufacture of shale oil	Section 3 of Toxic Substances Control Act, 15 U.S.C. Section 2604	Shale oil retorts
DEPARTMENT OF TRANSPORTATION Federal Aviation Administration	Issue air space permit for airport-related air space determination and air space obstruction clearance for project facilities	Section 1101 of the Federal Aviation Act of 1958, 49 U.S.C. Section 1501; 14 CFR Part 77	Stacks at plant site and other facilities

Appendix 2 (Continued)
SECTION A
Major Federal Authorizing Actions

Agency	Nature of Action	Authority	Project Feature
Federal Highway Administration	Issue permit(s) to cross Federal-aid highways	23 U.S.C. Sections 116, 123, 315; 23 CFR Part 645 Subpart B	Water pipelines, ore conveyor, access roads, etc.
Research and Special Programs Administration Office of Operations and Enforcement	Regulate safe construction and operation of pipelines	18 U.S.C. Section 834; 49 U.S.C. Section 1655; 49 CFR Part 195	Pipelines
DEPARTMENT OF AGRICULTURE U.S. Forest Service (Uinta and Wasatch-Cache National Forests)	Concur in right-of-way grant for crossing National Forest System land	Section 28 of the Mineral Leasing Act of 1920, 30 U.S.C. Section 185; 43 CFR Part 2880; 36 CFR Part 251	Shale oil pipeline
	Issue permit for borrow materials	Materials Act, 30 U.S.C. Sections 601, 602; 30 CFR Section 251.4	Construction materials for shale oil pipeline
	Issue special use permit for constructing rights-of-way and facilities	Title V of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sections 1761-1771; Section 28 of the Mineral Leasing Act, 30 U.S.C. Section 185	Construction of shale oil pipeline (including access roads, field offices, and staging areas)
	Issue antiquities or archaeological resource permit to excavate and remove archaeological resources on National Forest System lands	Antiquities Act of 1906, 16 U.S.C. Sections 431-433; Archaeological Resources Protection Act of 1979, 16 U.S.C. Sections 470aa-47011; 43 CFR Part 3	Construction of shale oil pipeline (including access roads, field offices, and staging areas)

Appendix 2 (Continued)
SECTION A
Major Federal Authorizing Actions

Agency	Nature of Action	Authority	Project Feature
DEPARTMENT OF THE ARMY			
U.S. Army Corps of Engineers	Issue (Section 404) permit for placement of dredged or fill material in waters of the United States or their adjacent wetlands	Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. Section 1344; 33 CFR Parts 323, 325	River or stream crossings for access roads, water supply pipeline, product pipelines, etc.
	Issue permit (Section 10) for structures or work in or affecting navigable waters of the U.S.	Section 10 of the River and Harbor Act of 1899, 33 U.S.C. Section 403; 33 CFR Parts 320-322, 329	Water diversion facilities, dams, wells, and construction resulting in alterations to water course
DEPARTMENT OF THE TREASURY			
Bureau of Alcohol, Tobacco, and Firearms	Issue permit(s) to purchase, store, and use explosives	Section 1102(a) of Organized Crime Control Act of 1970, 18 U.S.C. Sections 841-848; 27 CFR Part 181	Transport and use of explosives
DEPARTMENT OF LABOR			
Mine Safety and Health Administration	Approve mine safety plans and facilities	Federal Mine Safety and Health Act of 1977, 30 U.S.C. Sections 801 et. seq.; 30 CFR Chapter 1.	Mining and crushing facilities
Occupational Safety and Health Administration	Inspect surface construction for worker safety	Occupational Safety and Health Act of 1970, 29 U.S.C. Sections 651 et. seq.; 29 CFR Part 2200	Construction of processing surface facilities (Federal role limited to assisting and auditing Utah Industrial Commissions enforcement of state OSHA plan)
FEDERAL COMMUNICATIONS ADMINISTRATION	License to operate industrial radio service	Section 303 of Communications Act of 1934, 47 U.S.C. Section 303; 47 CFR Parts 90, 94	Communications

Appendix 2 (Continued)
SECTION A
Major Federal Authorizing Actions

Agency	Nature of Action	Authority	Project Feature
DEPARTMENT OF ENERGY Economic Regulatory Administration	Grant exemption from requirement that new major fuel-burning installation be designated to burn coal	Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. Sections 791-798; 10 CFR Parts 303-305	A "major fuel-burning installation" includes any boiler, burner, or other combustion or any combination thereof, at a single site which burns fossil fuels

E=Enercor-Mono Power, M=Magic Circle, P=Paraho; S=Syntana-Utah; and T=Tosco.

*Unless specified, the authorizing actions apply to all of the proposed projects.

**Applies only to Tosco Salt Lake City Alternative Product Pipeline.

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Appendix 2 (Continued)
SECTION B
Major State Authorizing Actions

Agency	Nature of Action	Authority	Project Feature
UTAH DEPARTMENT OF NATURAL RESOURCES AND ENERGY			
Division of State Lands	Grant rights-of-way	Utah Code Annotated Section 65-2-1 (1978)	Corridor facilities; access roads, power transmission line, water supply pipeline, ore conveyors, shale oil pipeline, communication lines
	Issue special use permits for State Forest land	Utah Code Annotated Section 65-2-1 (1978)	Corridor facilities; access roads, power transmission line, water supply pipeline, ore conveyors
	Approve state mineral leases	Utah Code Annotated Section 65-1-18 (1978); Utah Rules and Regulations Governing the Issuance of Mineral Leases	Mines
Division of Water Rights	Well driller's permit	Utah Code Annotated Section 73-5-25 (1981)	Water wells
	Permits to construct diversion facilities or change place or nature of use of an existing water right	Utah Code Annotated Section 73-3-3 (1981)	Water diversion facilities
	Certificate to appropriate water	Utah Code Annotated Section 73-3-1 to 29 (1981)	Use of previously unappropriated water
	Approve plans and specifications for construction or repair of dams	Utah Code Annotated Section 73-3-5 (1981)	Construction of any impoundment dam

Appendix 2 (Continued)
SECTION B
Major State Authorizing Actions

Agency	Nature of Action	Authority	Project Feature
	Approval of plan to alter natural stream	Utah Code Annotated Section 73-3-29 (1981)	Alteration of a natural stream
Division of Forestry and Fire Control	Burning permit during closed fire season	Utah Code Annotated Section 24-2-12 (1976)	Burning of slash and waste
Division of Oil, Gas, and Mining	Issue Notice of Intention to Commence Exploratory Drilling; Notice of Intention to Commence Mining	Utah Code Annotated Section 40-8-13, (Supp. 1981); Rule M-3, Board of Oil, Gas, and Mining Form MR-1	Exploratory drilling and coring; mining operation and reclamation
355 UTAH DEPARTMENT OF DEVELOPMENT SERVICES			
Division of State History	Issue permit to survey or disturb archaeological or paleontological site on state land	Utah Code Annotated Section 63-18-25 (1978)	All
	Review impact on historical or cultural sites on or eligible for National Register of Historic Places	Section 106 of National Historical Preservation Act of 1966, 16 U.S.C. Section 470f; 36 CFR Part 800	All
UTAH DEPARTMENT OF TRANSPORTATION	Issue encroachment permits	Utah Code Annotated Section 27-12-11 (1976)	State and Federal highway crossings
Highway Patrol	Issue overweight truck permits for delivery of materials to plant site	Utah Code Annotated Section 27-12-155 (1976)	Delivery of materials

Appendix 2 (Continued)
SECTION B
Major State Authorizing Actions

Agency	Nature of Action	Authority	Project Feature
UTAH DEPARTMENT OF HEALTH, DIVISION OF ENVIRONMENTAL HEALTH			
Bureau of Air Quality	Issue open burning permit	Utah Code Annotated Section 26-13-6(1) (Supp. 1981)	Burning of slash and waste material
	Approve notice of intent to construct source of air pollution (includes prevention of significant deterioration (PSD) permit)	Utah Code Annotated Section 26-13-6 (Supp. 1981)	Construction and operation activity
Bureau of Water Pollution Control	Issue permit for construction and operation of sanitary and industrial wastewater treatment facilities	Utah Code Annotated Section 26-11-8 (Supp. 1981)	Wastewater treatment facilities
	Issue permit for reinjection of mine water	Utah Code Annotated Section 26-11-6(14) (Supp. 1981)	Underground injection wells
UTAH DEPARTMENT OF WATER POLLUTION Division of Environmental Health			
Bureau of Solid and Hazardous Waste	Issue permit to treat, store, or dispose of hazardous waste	Utah Code Annotated Section 26-14-8 (Supp. 1981)	Disposal of Hazardous waste
	Approval for disposal of solid waste	Utah Code Annotated Section 26-14-6(6) (Supp. 1981)	Solid waste disposal

Appendix 2 (Continued)
SECTION B
Major State Authorizing Actions

Agency	Nature of Action	Authority	Project Feature
Bureau of Public Water Supply	Issue permit for drinking water system	Utah Code Annotated Section 26-12-5(a) (Supp. 1981)	Drinking water system
UTAH INDUSTRIAL COMMISSION Division of Occupational Safety and Health	Inspect surface construction for worker safety	Utah Code Annotated Sections 35-91 et seq. (1974)	Surface shale processing facilities downstream of pyrolysis units
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT Division of Community Development	Receive Socioeconomic Impact Alleviation Plan	Utah Code Annotated Section 63-51-10 (Supp. 1981)	Socioeconomic and population increases

Appendix 2 (Continued)
SECTION C
Major County and Local Authorizing Actions

Agency	Nature of Action	Authority	Project Feature
358 UINTAH COUNTY	Issue building permits	Uintah County Zoning Ordinance	Plant site and surface facilities
	Issue temporary use permits	Uintah County Zoning Ordinance	Temporary construction of offices and sheds
	Issue conditional use permit	Uintah County Zoning Ordinance	Solid waste disposal sites
	Issue extraction of earth products permit	Uintah County Zoning Ordinance	Borrow areas
GRAND COUNTY	Issue excavation permit	Grand County Zoning Ordinance	Excavation
	Issue building permit	Grand County Zoning Ordinance	Plant site and surface facilities
	Approval of master plan by the Grand County Planning Commission and County Commissioners	Grand County Zoning Ordinance	New town site
UINTAH BASIN DISTRICT HEALTH DEPARTMENT	Issue inspection and letter of approval for public health-related facilities on plant sites and at construction camps	Utah Code Annotated, 1981 Supplement; Title 26, Chapter 24, Section 1-24	Construction camps, individual wastewater disposal systems, non-public water systems, and food service facilities at the plant sites

Appendix 2 (Continued)
SECTION D
Resources Requiring Formal Consultation

Item	Basis of Requirement	Agency to be Consulted
Cultural (Historical) Resources	Antiquities Act 1906 Preservation Act 1966 Executive Order 11593	State Historic Preservation Officer (SHPO)
Floodplains	Executive Order 11988	Council of Environmental Quality, Environmental Protection Agency, Fish and Wildlife Service, and Public Notice
Endangered or Threatened Species	Section 7 of Endangered Species Act	Fish and Wildlife Service
Fish and Wildlife Coordination Act	Section 662(a) of Fish and Wildlife Coordination Act	Fish and Wildlife Service and State Game and Fish Agency
Prime or Unique Farmlands	Farmland Protection Policy	Soil Conservation Service State Conservationist (Document Review)
Water	Section 404 Clean Water Act	Corps of Engineers, State Engineer
	Safe Drinking Water Act	Division of Environmental Health
Water Rights	Federal Land Policy and Management Act	State Engineer
Wetlands	Executive Order 11990	Issue Public Notice
Parks, Recreation Areas, Refuges, Historic Sites	Section 4(f) Department of Transportation Act of 1966	Department of Transportation

Appendix 2 (Continued)
SECTION E
Federal Laws Affecting Oil Shale and Tar Sand Development

Popular Name	Public Law/U.S. Code Citation	Purpose/Requirements	Major Relevance
Antiquities Act of 1906	59-209; 16 U.S.C. 431-433	Regulates antiquities excavation and collection on lands under Secretary of Interior's jurisdiction Protects historic monuments and ruins on Public lands	Mitigates potential harm to historical and archaeological resources
Archaeological and Historical Preservation Act of 1974; Archaeological Salvage Act	93-291, 86-523; 16 U.S.C. 469	Provides for recovery of data from areas to be affected by Federal actions, including Federally licensed projects Provides for preservation of data (including relics and specimens) at every Federal construction project and Federally licensed project	Mitigates potential harm to historical, archaeological, and paleontological resources Mitigates potential harm to historical and archaeological resources
Archaeological Resources Protection Act of 1979	96-95	Protects archaeological resources by regulating excavation and collection on Public and Indian lands	Mitigates potential harm to historical and archaeological resources
Bald Eagle Protection Act of 1969, as amended	86-70; 16 U.S.C. 668	Protects bald and golden eagles	May require certain limitations on developments

Appendix 2 (Continued)
SECTION E
Federal Laws Affecting Oil Shale and Tar Sand Development

Popular Name	Public Law/U.S. Code Citation	Purpose/Requirements	Major Relevance
Clean Air Act Amendments of 1977	95-95; 42 U.S.C. 7401	Establishes requirements for areas failing to attain National Ambient Air Quality Standards (NAAQS)	Limits industrial development within and adjacent to areas exceeding NAAQS (nonattainment areas) and protects air quality in areas where the quality is better than NAAQS (attainment areas).
		Provides for prevention of significant deterioration of areas where air is cleaner than NAAQS	
		Modifies 1970 Clean Air Act provisions regarding Federal facilities, enforcement strategies, and interstate air pollution	
Clean Water Act of 1977	95-217; 33 U.S.C. 1251	Establishes effluent limitation for new and existing industrial discharge into U.S. waters	May reduce development options if antidegradation policy restricts discharges into high quality waters
		Provides mechanism to restore and maintain integrity of the Nation's waters	Treatment facilities in areas with rapidly expanding infrastructures must meet water quality standards
Endangered Species Act of 1973, as amended	93-205; 16 U.S.C. 1531	Protects endangered and threatened species and critical habitat from Federal activities	Requires prior consultation with Fish and Wildlife Service

Appendix 2 (Continued)
SECTION E
Federal Laws Affecting Oil Shale and Tar Sand Development

Popular Name	Public Law/U.S. Code Citation	Purpose/Requirements	Major Relevance
Fish and Wildlife Coordination Act of 1934, as amended	85-624; 16 U.S.C. 661	Requires consultation about water resource development actions which might affect fish or associated wildlife resource	Mitigates potential Federal oil shale development impacts
Historic Preservation Act of 1966	89-665; 16 U.S.C. 470	Establishes system to classify properties on or eligible for inclusion on Historic Register Mandates Federal agency consultation with Advisory Council and State Historic Preservation Officers	Mitigates potential harm to historical and archaeological values
Migratory Bird Treaty Act of 1941, as amended	16 U.S.C. 701-718h	Protects migrating birds not covered by other Federal laws	Provides legislation to purchase areas for refuges and to provide for migratory bird conservation
National Environmental Policy Act of 1969 (NEPA)	91-190; 42 U.S.C. 4321	Encourages productivity and harmony between man and his environment; ensures that environmental values are considered in decisionmaking; makes environment protection a duty of every Federal agency Requires impact statements for major Federal actions with potentially significant impacts	Provides legislative mandate to consider environmental review of major Federal action in energy development Impact statement process must be integral part of oil shale leasing system

Appendix 2 (Continued)
SECTION E
Federal Laws Affecting Oil Shale and Tar Sand Development

Popular Name	Public Law/U.S. Code Citation	Purpose/Requirements	Major Relevance
Resource Conservation and Recovery Act of 1976	94-580; 42 U.S.C. 6901, as amended	Establishes guidelines for collection, transport, separation, recovery and disposal of solid	Mining locations may be affected by EPA regulations governing disposal of oil shale mining wastes
		Creates major Federal hazardous waste regulatory program	Industry may have stringent permit requirements if wastes classified by EPA are hazardous
		Provides assistance to establish state or regional solid waste plans	
Safe Drinking Water Act of 1977	95-190; 42 U.S.C. 300f-j	Protects water quality; sets national standards	Requires states (or EPA) to regulate harmful injections which endanger public drinking water system