

Appendix A
December 20, 2006 Informal Consultation
Seneca Powell 3& 4



United States Department of the Interior

FISH AND WILDLIFE SERVICE
HOPPER MOUNTAIN NATIONAL WILDLIFE REFUGE COMPLEX
CALIFORNIA CONDOR RECOVERY PROGRAM

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December 20, 2006

Ms. Amy Kuritsubo
United States Department of the Interior
Bureau of Land Management
Bakersfield Field Office
3801 Pegausus Drive
Bakersfield, CA 93308-6837

Dear Amy:

In response to 6840 Seneca Powell 3 & 4 Informal Consultation (P): the U. S. Fish and Wildlife Service's Condor Recovery Program has reviewed the proposal by Seneca Resources to drill two wells, Powell 3 and Powell 4, in the Sespe Oil Fields, Ventura County, California.

Based on the fact that there are 15 existing wells at this site and that there will be no basic changes to the existing site except for the addition of two new oil wells, and that staff of the California Condor Recovery Program have had no observations of condors at these platforms in recent years, nor observed disturbance to the present condor population within the area, the Service concurs the new wells are not likely to adversely affect the present population of primarily adult condors.

It must be stated however that these conditions can change with the addition of naïve immature condors to the population in the area, of which there will soon be two, and that utmost caution and awareness on the part of Seneca Resources will be critical.

Sincerely,

Jesse Grantham
California Condor Coordinator
US Fish and Wildlife Service



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Bakersfield Field Office
3801 Pegasus Drive
Bakersfield, California 93308-6837



In Reply Refer to:
6840 Seneca Powell 3&4 Informal Consultation (P)

Memorandum

NOV 7 2006

To: California Condor Recovery Program, U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2943 Portola Road, Suite A, Ventura, California 93003

From: Field Office Manager

Subject: Request for Written Concurrence on Two Wells in the Sespe Oil Field, Ventura County, California

The Bakersfield Field Office requests written concurrence pursuant to the Endangered Species Act of 1973 and 50 CFR 402.14(b)(1). This informal consultation concerns two oil wells, Powell 3 and Powell 4, proposed for development by Seneca Resources in the Sespe Oil Field, near Fillmore, Ventura County, California. We understand from the Ventura Fish and Wildlife Office that the California Condor Recovery Program now handles consultations when the California condor is the only listed species. We are accordingly sending this request for written concurrence to the California Condor Recovery Program.

BLM has made a "not likely to adversely affect determination" for the California condor and requests written concurrence from the Service. We have attached an Effects Determination which provides supporting information for our determination.

If you have any questions or require additional information, please contact Amy Kuritsubo, Wildlife Biologist (661-391-6113 or akuritsu@blm.gov). Amy has discussed this project with Jesse Grantham and Mark Hall of your office.

Enclosure: Effects Determination

**Seneca Resources Powell Wells 3 and 4
Effects Determination
November 2006**

Introduction

Seneca Resources has submitted an Application for Permit to Drill (APD) for two new wells in the Sespe Oil Field. California condors are known to use the general area and an active condor nest is located on BLM land in the area.

This document evaluates the potential effects of the project on California condors to determine whether Section 7 consultation with the USFWS is required under the Endangered Species Act.

A biological evaluation was prepared for this project by McCormick Biological, Inc (*Biological Reconnaissance Survey Results for the Proposed Powell Wells 3 and 4, Section 34, Township 5 North, Range 19 West, S.B.B. & M. Ventura County, California*). A copy of the October 2006 report is attached. This evaluation is based on the McCormick Biological, Inc Report; conversations between BLM biologist Amy Kuritsubo and USFWS personnel (Mark Hall, Jesse Grantham); site visits by BLM personnel (Gabe Garcia, Duane Christian, Amy Kuritsubo); and information provided by Seneca Resources (Tim Alburger, Fariba Neese).

Proposed Action

Seneca Resources proposes to drill two wells, Powell 3 and Powell 4, in the Sespe Oil Field, Ventura County, California. The proposed wells will be drilled on an existing pad that contains 15 existing wells. The wells would be located in Section 34, T5N, R19W, on private surface and directionally drilled to federal mineral estate. The existing wells are currently producing petroleum via pumping units tied into existing flowlines and electrical facilities. No expansion would be necessary to drill the additional wells. Well locations would be accessed using existing roads.

Seneca Resources operates petroleum production facilities on both private and public lands within the Sespe Oil Field. As part of the Sespe Operators Group, Seneca Resources entered into a 1991 Memorandum of Understanding (MOU) between the U.S. Fish and Wildlife Service, U.S. Forest Service and the Sespe Operators Group regarding oil and gas operations in the area and protection of California condors. One of the conditions of the MOU was to minimize surface operations by locating multiple wells on single pads. Consistent with the MOU, the new wells will be drilled on a pad with 15 existing wells.

Seneca Resources also proposes to implement measures to minimize the potential for impacts to California condors:

1. Prior to conducting work on-site, employees and contractors shall be aware of the protected species, and how to avoid and minimize impacts to them.
2. Direct contact with California condors shall be avoided.
3. Seneca Resources and/or its contractors shall clearly delineate the boundaries of work areas by posting stakes, flags and/or rope or cord, as necessary.
4. All work areas shall be kept free of trash and debris. Particular attention shall be paid to "microtrash." Trash shall be kept in closed containers and regularly removed from the project site.

5. All equipment and work-related materials shall be contained in closed containers either in the work area or on vehicles. Loose items (e.g., rags, hose, etc.) shall be stored within closed containers or enclosed in vehicles.
6. All hoses or cords that must be placed on the ground due to drilling operations that are outside of the primary work area (immediate vicinity of the drilling rig) shall be covered to prevent California condor access. Covering may take the form of burying or covering with heavy mats, planks, or grating that would preclude California condors.
7. All liquids shall be in closed, covered containers. Any spills of hydrocarbon/hazardous liquids shall not be left unattended until clean-up has been completed.
8. A not-to-exceed 20 mile-per-hour speed limit shall be implemented and enforced during all activities.
9. All construction equipment, staging areas, materials, and personnel shall be restricted to disturbed areas that are not habitat for listed species.
10. To prevent injury to wildlife, habitat degradation, erosion, and fires, driving off of disturbed areas without a pre-activity survey and implementation of appropriate measures is prohibited, except in the case of an emergency.
11. Firearms and pets are prohibited.
12. No feeding of wildlife shall be permitted.
13. The potential for human-caused wildfires should be minimized by use of shields, mats, or other fire-prevention methods when grinding or welding. Fire watch including water, extinguishers, and shovels shall be available for fire suppression.
14. Any significant encounters with California condors shall be recorded and reported to Mr. Tim Alburger of Seneca Resources (661-399-4270, ext. 3544; or 661-619-9926) and a designated BLM representative.
15. Any take (harm, harassment, injury, killing, etc., or any attempt to engage in these activities) shall be reported to Mr. Tim Alburger of Seneca Resources (661-399-4270, ext. 3544; or 661-619-9926). Mr. Alburger shall immediately notify the BLM, USFWS, and CDFG as appropriate. The activity that caused the take to occur shall be ceased immediately.

Potential Effects to the California Condor

The project is located in the lower foothills of the Transverse Range, north of the town of Fillmore, and adjacent to the Los Padres National Forest and Hopper Mountain National Wildlife Refuge. The existing well pad is located just inside the boundary of the Sespe Condor Sanctuary.

The Sespe Condor Sanctuary was established on January 23, 1951 by Public Land Order 6951 (PLO 6951). PLO 6951 withdrew public land within the Condor Sanctuary boundary from appropriation under the public land laws, and reserved the area as a condor sanctuary under the jurisdiction of the Forest Service. Certain sections, including section 34, were prohibited from surface use or invasion, and operations in all areas within the sanctuary were to remain ½ mile away from any nest that had been active within 3 years. Although these provisions apply only to public surface within the condor sanctuary, the proposed project complies with these requirements. By placing the new wells on an existing pad, there will be no new surface use or

invasion. The existing pad is located approximately 2 miles northeast of the active condor nest, meeting the ½ mile restriction.

BLM Biologist, Amy Kuritsubo, spoke with Mark Hall, Hopper Mountain National Wildlife Refuge, on 2 October 2006 to get his comments on the possible impacts of the proposed wells to California Condors. Mark said that in the past there had been problems with young condors frequenting oilfield areas. However, this behavior has not been observed in the past two years, presumably due to the more mature age of the free-flying condor population.

Mark also spoke of the potential impact of oil leaks and spills on condors. He conveyed satisfaction with the existing lease practice to closely monitor all facilities for oil leaks, and to promptly cover any discovered pools of oil. The diligence and prompt action by oilfield operators has appeared to significantly reduce the hazard of such spills and leaks to condors.

Seneca Resources recently completed drilling a non-federal well in the vicinity of the proposed wells. Seneca also has experience conducting ongoing oil production activities in the Sespe Oil Field and has successfully implemented the avoidance and minimization measures included as part of the proposed action. The BLM is not aware of any impacts to California condors from Seneca Resources operations on public lands in the past few years.

Effects Determination

Considering the information provided by Mark Hall, the presence of 15 existing wells on the pad, the lack of new surface disturbance, and Seneca Resource's successful implementation of mitigation measures in the past, the 2 new wells are **not likely to adversely affect** the California Condor.

The effects of 2 new wells in the context of 15 existing wells are insignificant and discountable. The effects of 2 new wells in the context of 15 existing wells could not be meaningfully measured, detected or evaluated. Effects to condors are not expected to occur due to the current behavior pattern of the condor population, and the effectiveness of leak and spill monitoring and remediation.

If the USFWS provides written concurrence with the not likely to adversely affect determination, formal consultation is not required.

Attachments

- Map of Proposed Well Locations
- Airphoto of Proposed Well Locations
- Airphoto of Existing Well Pad
- October 2006 McCormick Biological, Inc Report

**Biological Reconnaissance Survey Results
For the Proposed Powell Wells 3 and 4
Section 34, Township 5 North, Range 19 West, S.B.B. & M.
Ventura County, California**

October 2006

*Prepared for: Seneca Resources Corporation
2131 Mars Court
Bakersfield, California 93308*

*Prepared by: McCormick Biological, Inc.
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1.0 Summary

The following sections evaluate the potential for impacts to the California condor (*Gymnogyps californianus*) that may occur as a result of proposed Powell wells 3 and 4. The proposed location for these wells is on an existing wellpad located north of the town of Fillmore in the Sespe Field in Ventura County, California. This report focuses on the state and federally listed California condor as the primary species of concern.

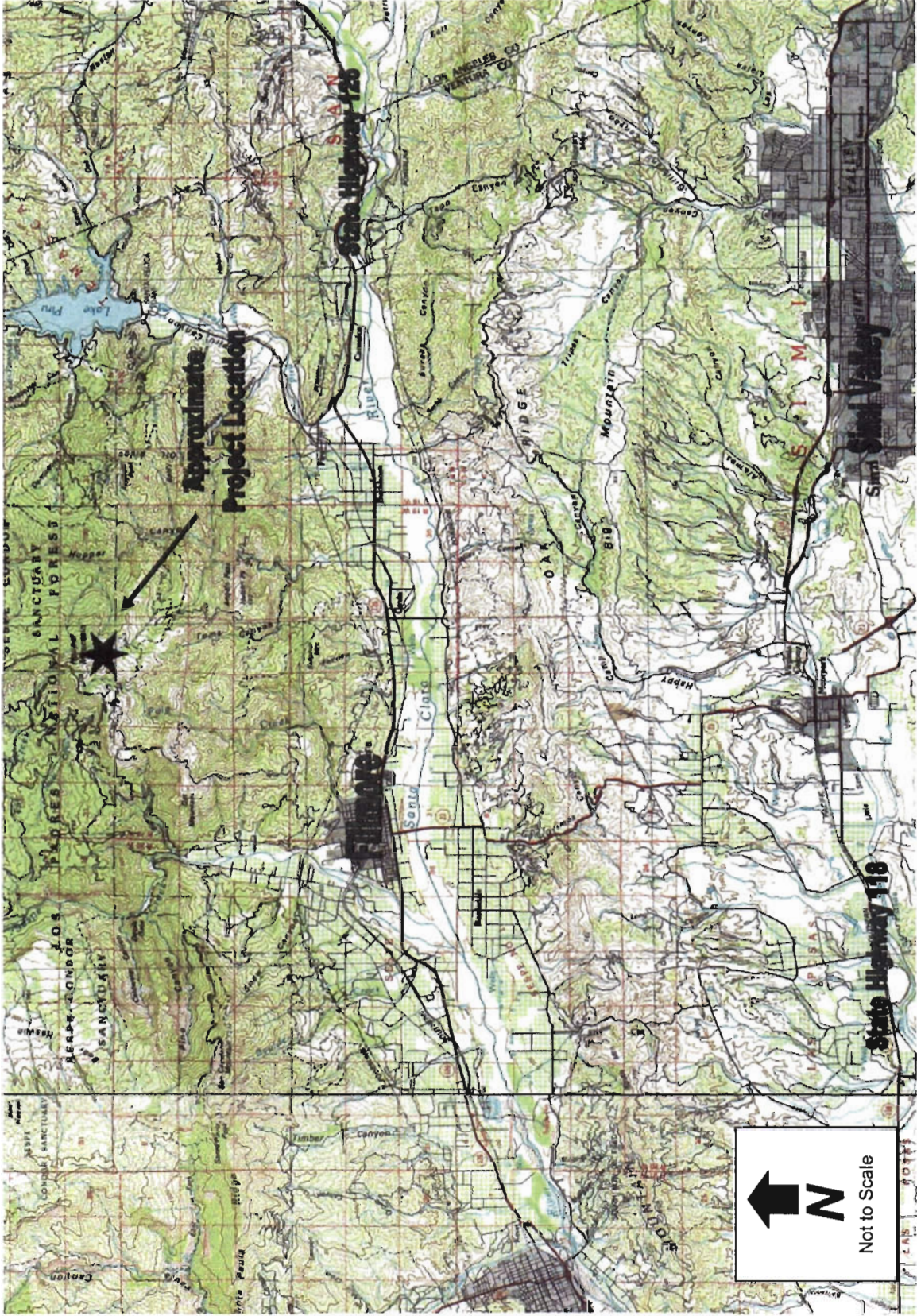
2.0 Background and Methods

The purpose of this report is to document a reconnaissance-level biological survey and impact evaluation conducted for the proposed drilling of two wells located in Section 34, Township 5 North, Range 19 West, San Bernardino Base and Meridian (S.B.B. and M.), north of Fillmore, California (Figures 1.1 and 1.2). The survey methods and evaluation have been designed to assist with United States Bureau of Land Management (BLM) requirements for environmental review of proposed oil and gas production activities. The potential effects to California condor of drilling and operating two additional wells, Powell 3 and Powell 4, on an existing well pad were evaluated.

Seneca Resources Corporation operates petroleum production facilities on both private and public lands within the Sespe Field in the vicinity of the proposed wells. The surface location of the proposed wells is on private land with BLM mineral estate. As part of the Sespe Operators Group, Seneca Resources Corporation entered into a Memorandum of Understanding (MOU) between the U.S. Fish and Wildlife Service, U.S. Forest Service, and the Sespe Operators Group regarding oil and gas operations in the area and addressing protection of California condors that would be reintroduced into the area. One of the provisions that the Sespe Operators Group agreed to within this MOU was to minimize surface operations by locating multiple wells on single pads when feasible (USFWS *et. al.* 1991). Consistent with this MOU, the proposed wells will be drilled on an existing pad that contains 15 existing wells.

Section 34, T. 5 N., R. 19 W., S. B. B. & M.

Project Location

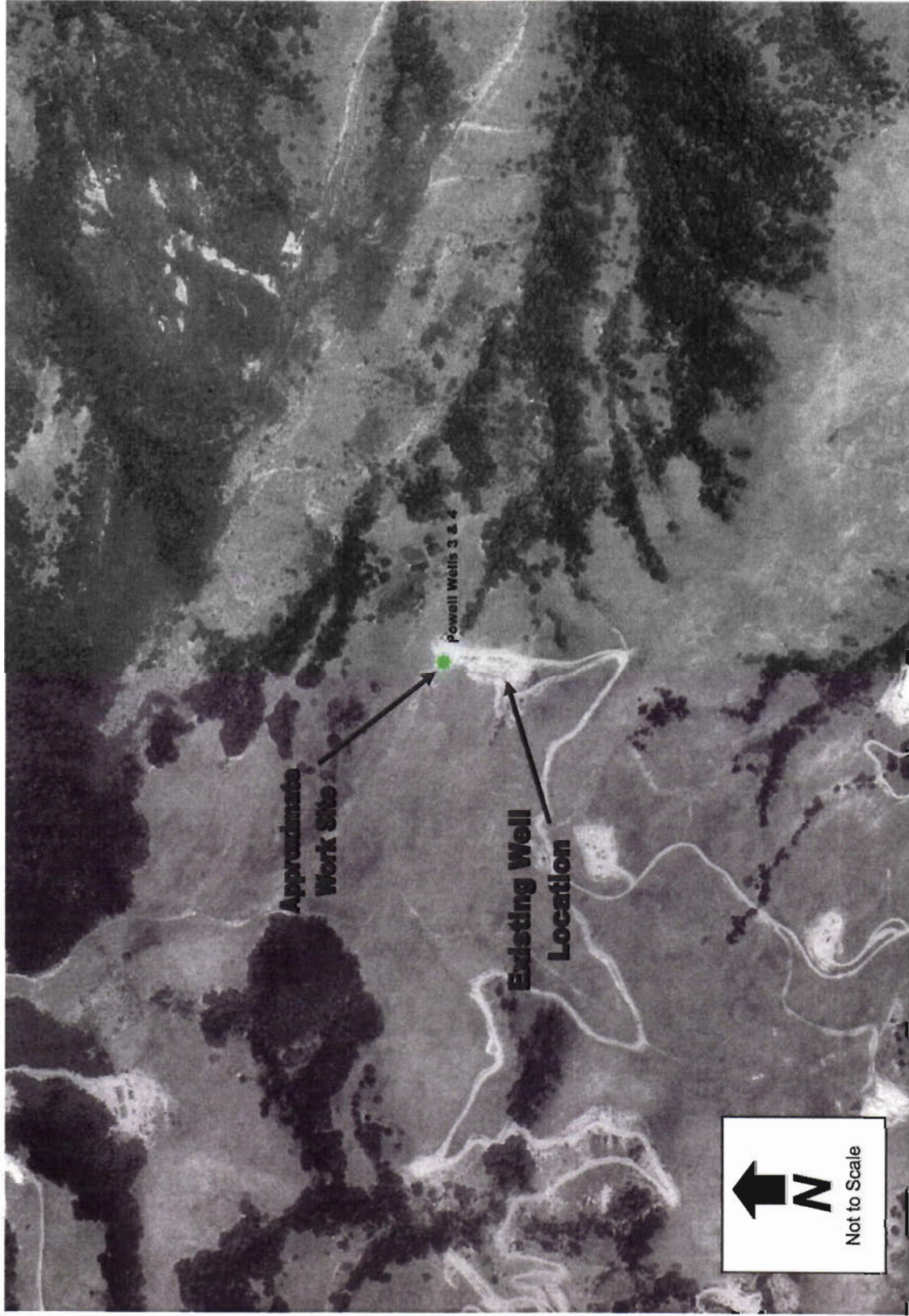


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N
Not to Scale

Piru, USGS 7.5 Min. Quad. / Figure 1.1

Project Area

Section 34, T. 5 N., R. 19 W., S. B. B. & M.



Piru, USGS 7.5 Min. Quad. / Figure 1.2

The existing wells are currently producing petroleum via pumping units tied in to existing flowlines and electrical facilities. No expansion would be necessary to drill the additionally proposed wells. The approximate location of each new well on the existing well pad was shown to McCormick Biological, Inc. (MBI) in the field by Seneca personnel, including the approximate limits of drilling equipment. Well locations would be accessed using existing roads. The proposed wells are located within an area of existing oilfield development, with several access roads, additional wells, and oil production facilities currently present in the vicinity of the project area. Existing development in the area is at a low to moderate density.

Rare, threatened, and endangered plant and animal species on federal lands in California are protected primarily through the Federal Endangered Species Act (FESA). Among other provisions, FESA prohibits "take" of listed threatened and endangered species. In general, "take" refers to injuring or killing listed species without a permit issued from the United States Fish and Wildlife Service (USFWS). Under the FESA, harassment and/or significant habitat destruction could also be considered "take", which requires a permit. For projects on federal lands, receiving federal approval or funding, the administering agency is required to consult with the USFWS on projects that may affect federal listed species.

Therefore, a further purpose of this report is to provide information that will assist the BLM with their determination as to whether formal or informal consultation with the USFWS is warranted based on the possible affects to biological resources, particularly the California condor.

A reconnaissance-level survey was conducted on October 18, 2006 by MBI. The existing well pad that will be the site of the proposed well locations and the visible buffer area were evaluated. A global positioning system unit was used to record coordinates of the site for mapping and photographs were taken of the proposed well locations.

Direct observations of special-status wildlife species, important habitat elements for special-status species, and "sign" were noted if encountered. If encountered, important habitat elements potentially used by listed threatened and/or endangered species were mapped using a hand-held global positioning system unit and noted on a schematic map of the project site.

3.0 Existing Environment

The survey area is open space with moderate density oil production facilities. The project site is located on the lower foothills of the Transverse Range just north of the town of Fillmore, near Los Padres National Forest. The surrounding area is important to the California condor and includes the Sespe Condor Sanctuary and Hopper Mountain National Wildlife Refuge. The climate in the area experiences coastal influences but also experiences the summertime higher temperatures associated with inland areas. Precipitation averages between 16 and 30 inches, varying greatly with increased elevation. (CARCD 2002).

The proposed well location is not vegetated, but the area immediately surrounding the developed area consists of the non-native grassland natural community. The foothills in the vicinity are a mosaic of chaparral, coastal scrub, riparian, and oak woodland communities. Non-native grassland natural community consists of winter-germinating annuals dominated by dense non-native grasses such as bromes (*Bromus* spp.), wild oats (*Avena barbata*), foxtail (*Hordeum* spp.),

and fescues (*Vulpia* spp.). Forbs typically present include red-stemmed filaree (*Erodium cicutarium*), fiddleneck (*Amsinckia* spp.), and several mustards. Cover may be sparse to dense, with annuals typically germinating in late fall and winter, and most species flowering in early to late spring. This community is widely distributed throughout California, usually below 900 meters (3,000 feet).

4.0 Survey Results

The proposed Powell Wells 3 and 4 will be located side-by-side on a large maintained well location along an unimproved dirt road. A photograph of the proposed well locations is shown in Figure 4.1. A small drainage enters the location from the northwest and continues off the location toward the southeast. The proposed wells would not encroach upon this drainage.

California condor (*Gymnogyps californianus*) is North America's largest land bird; with a wingspan of up to 9 ½ feet. Adults are black with a white patch under each wing and a pink-orange head. This species is the only living representative of the genus *Gymnogyps*. California condor was once a widespread resident in the western United States until its range was reduced to the semi-arid, rugged mountain ranges surrounding the southern San Joaquin Valley in the middle of the 1900's. During the 1980's, numbers were reduced to a low of 22 and a capture program resulted in the capture of all wild condors by 1987. Condors have since been released in the area near Sespe Condor Sanctuary, Lion Canyon, Pinnacles National Monument, and in Arizona. There are currently 289 California condors with free-ranging populations in central and southern California, Arizona, and Baja, Mexico (USFWS undated).

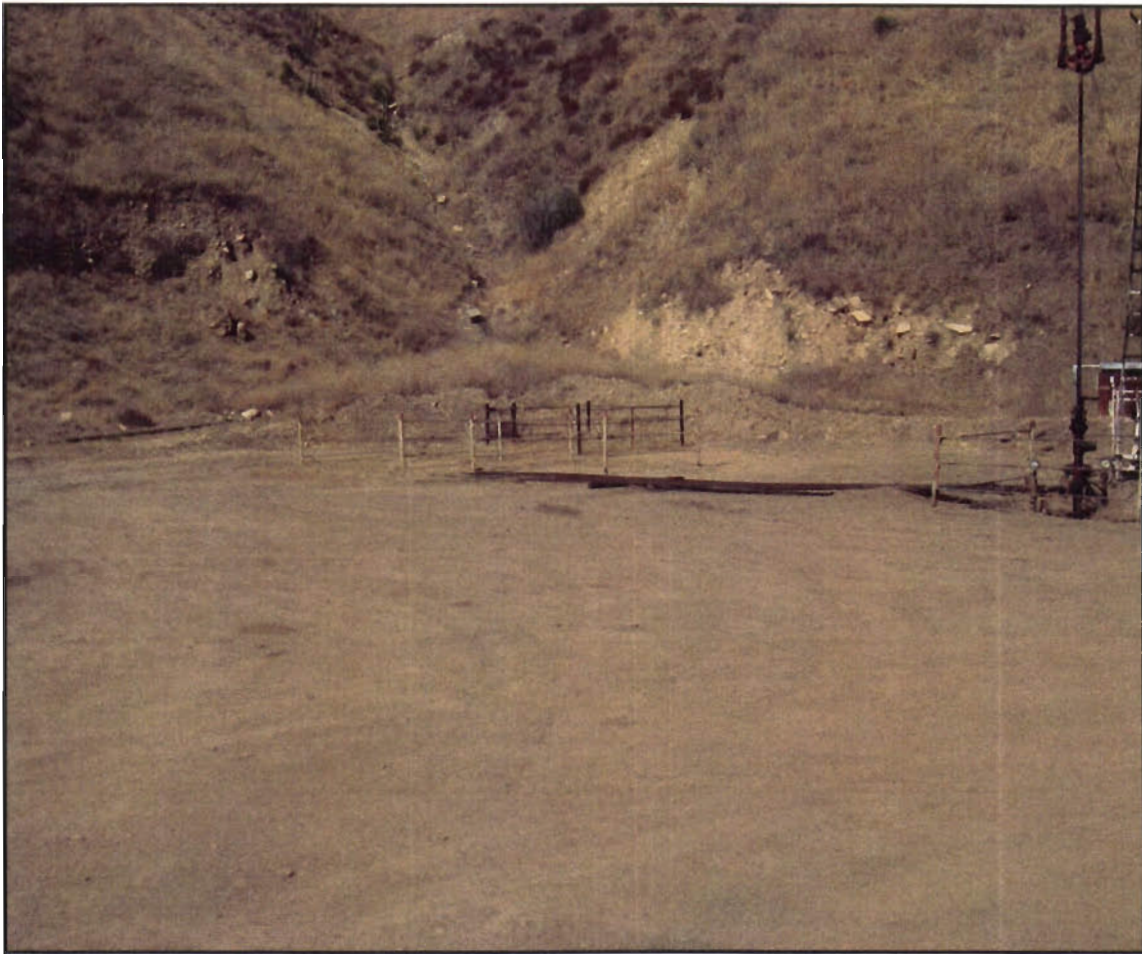
The California condor forages by scavenging widely in open rangelands and roosts on cliffs and in large trees and snags. Non-breeding individuals historically moved north into Kern and Tulare counties in April, returning south to winter in the Tehachapi Mountains, Mount Pinos, and Ventura and Santa Barbara counties. The species nests in caves, crevices, behind rock slabs, or on ledges on high sandstone cliffs. Breeding occurs once per year or less and condors typically only lay one egg between February and May (Zeiner *et. al.* 1990).

The proposed project site represents suitable foraging habitat for this species. Condors have frequently been observed foraging in the vicinity of the proposed well locations, but less so within the last two years. In addition, condors have been known to roost on well locations and other oil production facilities in the Sespe area. A known nest site is located approximately 2 miles from the proposed well location (A. Kuritsubo, pers. comm.).

The following measures are recommended to minimize the potential for effects to California condor that may be present in the vicinity of the proposed wells:

1. Prior to conducting work on-site, employees and contractors shall be aware of the protected species, and how to avoid and minimize impacts to them.
2. Direct contact with California condors shall be avoided.
3. Seneca Resources and/or its contractors shall clearly delineate the boundaries of work areas by posting stakes, flags and/or rope or cord, as necessary.

**Figure 4.1:
Project Site Photo**



Site of Proposed Powell Well Locations

4. All work areas shall be kept free of trash and debris. Particular attention shall be paid to "microtrash." Trash shall be kept in closed containers and regularly removed from the project site.
5. All equipment and work-related materials shall be contained in closed containers either in the work area or on vehicles. Loose items (e.g., rags, hose, etc.) shall be stored within closed containers or enclosed in vehicles.
6. All hoses or cords that must be placed on the ground due to drilling operations that are outside of the primary work area (immediate vicinity of the drilling rig) shall be covered to prevent California condor access. Covering may take the form of burying or covering with heavy mats, planks, or grating that would preclude California condors.
7. All liquids shall be in closed, covered containers. Any spills of hydrocarbon/hazardous liquids shall not be left unattended until clean up has been completed.
8. A not-to-exceed 20 mile-per-hour speed limit shall be implemented and enforced during all activities.
9. All construction equipment, staging areas, materials, and personnel shall be restricted to disturbed areas that are not habitat for listed species.
10. To prevent injury to wildlife, habitat degradation, erosion, and fires, driving off of disturbed areas without a pre-activity survey and implementation of appropriate measures is prohibited, except in the case of an emergency.
11. Firearms and pets are prohibited.
12. No feeding of wildlife shall be permitted.
13. The potential for human-caused wildfires should be minimized by use of shields, mats, or other fire-prevention methods when grinding or welding. Fire watch including water, extinguishers, and shovels shall be available for fire suppression.
14. Any significant encounters with California condors shall be recorded and reported to Mr. Tim Alburger of Seneca Resources (661-399-4270, ext. 3544; or 661-619-9926) and a designated BLM representative.
15. Any take (harm, harassment, injury, killing, etc., or any attempt to engage in these activities) shall be reported to Mr. Tim Alburger of Seneca Resources (661-399-4270, ext. 3544; or 661-619-9926). Mr. Alburger shall immediately notify the BLM, USFWS, and CDFG as appropriate. The activity that caused the take to occur shall be ceased immediately.

Provided that recommended measures to avoid and minimize the potential for contact with this species are implemented, the potential for impacts to California condors due to the proposed project would be minimal. Seneca has recent experience conducting ongoing oil production activities in the vicinity of the proposed project. Over the last two years, these activities have

implemented avoidance and minimization measures intended to reduce the potential for impacts to California condor. These efforts, combined with changes in the behavior of condors in the area have resulted in encounters with condors being reduced to minimal levels with no impacts being observed or recorded by Seneca Resources within this portion of the Sespe Field (Tim Alburger, pers. comm.). If the proposed project does result in any effects to California condor, they would be insignificant and discountable due to the proposed wells being drilled on an existing location that already contains 15 wells. In addition, effects could not be meaningfully measured, detected, or evaluated. Therefore, the proposed Powell Wells 3 and 4 are not likely to adversely affect the California condor.

REFERENCES

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Personal Communications

- Ms. Amy Kuritsubo, Wildlife Biologist, U.S. Department of the Interior Bureau of Land Management (October 19, 2006)
- Mr. Tim Alburger, Environmental and Safety Manager, Seneca Resources Corporation (October 19, 2006)