

DECISION RECORD

EA NO.: CA-160-07-008

STATE: California

OFFICE: Bakersfield Field Office

PROJECT: Sespe Oil Wells- Powell 3 and 4

Finding of No Significant Impact (FONSI)

Plan Consistency

Based on information in the EA, the project record, and recommendations from BLM specialists I conclude that this decision is consistent with the 2005 Los Padres National Forest Management Plan (LPNFMP), the Endangered species Act; the Native American Religious Information Act; other cultural resource management laws and regulations; Executive Order 12898 regarding Environmental Justice; and Executive Order 13212 regarding potential adverse impacts to energy development, production, supply and/or distribution.

Finding of No Significant Impact

It is my determination that this decision will not result in significant impacts to the quality of the human environment. Anticipated impacts are within the range of impacts addressed by the LPNFMP. Thus, Powell Wells 3 and 4 do not constitute a major federal action having a significant effect on the human environment; therefore, an environmental impact statement (EIS) is not necessary and will not be prepared. This conclusion is based on my considerations of the Council of Environmental Quality's (CEQ) following criteria for significance (40 CFR 1508.27), regarding the context and intensity of the impacts described in the EA and based on my understanding of the project.

1) Impacts can both be beneficial and adverse and a significant effect may exist regardless of the perceived balance of effects. No significant adverse impacts (site specific or cumulative) have been identified.

2) The degree of impact on public health and safety. No aspects of the project have been identified as having the potential to significantly and adversely impact public health and safety

3) Unique characteristic of the geographic area. This project is proposed inside the boundary of the national forest and is adjacent to the Sespe Condor Sanctuary. These wells will be drilled from private land that has been previously disturbed. No significant impacts to its unique geography will occur.

4) The degree to which the effects on quality of the human environment are likely to be highly controversial effects. No anticipated effects have been identified that are significantly controversial. As a factor for determining within the meaning of 40 CFR 1508.27(b)(4) whether or not to prepare a detailed environmental impact statement, "controversy" is not equated with "the existence of opposition to use." *Northwest Environmental Defense Center v. Bonneville Power Administration*, 117 F.3d 1520, 1536 (9th Cir. 1997). "The term highly controversial refers to instances in which a substantial dispute exists as to the size, nature, or effect of the

major federal action rather than the mere existence of opposition to a use. *Hells Canyon Preservation Council v. Jacoby*, 9 F.Supp.2d 1216, 1242 (D. Or, 1998).

5) *The degree to which the possible effects on the human environment are likely to be highly uncertain or involve unique or unknown risks.* The analysis does not show that this action would involve unique or unknown risks.

6) *The degree to which the action may establish a precedent for future action with significant effects or represents a decision in principle about a future consideration.* Issuance of a permit to drill is not precedent setting. There are a number of private wells drilled each year from private lands in the Sespe Oil field. Under the conditions of this lease the operator has the right to drill as long as all applicable laws are followed.

7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* No significant cumulative impacts have been identified. The project is consistent with the action and impacts anticipated in the LPNFMP.

8) *The degree to which the action may adversely affect National Register listed or eligible to listed sites or may cause loss or destruction of significant scientific, cultural or historical resources.* The project area does not include any sites listed on the National Register of Historic Places or sites known to be eligible.

9) *The degree to which the action may adversely affect ESA listed species or critical habitat.* This project is adjacent to the Sespe Condor Sanctuary. Informal consultation was conducted with U.S. Fish and Wildlife service for California Condor. They concluded that this project would not likely adversely affect the California Condor population that inhabit this area.

10) *Whether the action threatens a violation of environmental protection laws or requirements.* There is no indication that this decision will result in action that will threaten such a violation.

Reviewed By:

Project Lead, Bakersfield F.O.

Date

Field Manager, Bakersfield F.O.

Date

DECISION

I have reviewed the recommendations on the proposed action addressed in this environmental assessment. I find this action to be in conformance with applicable land use plans, that it effectively serves the public, and that it will not cause unnecessary or undue degradation. It is therefore my decision to approve the proposed action, subject to the mitigation measures identified for the proposed action in the Environmental Assessment. The Decision Record incorporates the mitigation measures and recommendations into the proposed action as the decision of the Bureau on this matter.

Approved By:

Authorized Officer, Bakersfield F.O.

Date

APPEAL RIGHTS

Within 30 days of receipt of this decision, you have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations at Title 43 Code of Federal Regulations 4.400. If an appeal is taken, you must follow the procedures outlined in the enclosed Form 1842-1, Information on Taking Appeals to the Board of Land Appeals. Within 30 days after you appeal, you are required to provide a Statement of Reasons to the Board of Land Appeals listed. In addition, please provide our office with a copy of your Statement of Reasons. The appellant has the burden of showing that the decision appealed from is in error.