

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
BAKERSFIELD FIELD OFFICE
FINDING OF NO SIGNIFICANT IMPACT**

BACKGROUND

There is a need for providing the federal mineral estate for oil and gas development. This action is intended to meet the responsibilities of the Bureau of Land Management (BLM) under the Mineral Leasing Act of 1920, and the Federal Onshore Oil and Gas Leasing Reform Act of 1987 (Reform Act) to conduct competitive oil and gas lease auctions within the State of California.

The BLM analyzed a proposal to offer for competitive oil and gas lease auction 29 parcels encompassing 8,587.42 acres of federal mineral estate in Kern and Kings Counties, California, and documented their analysis in Environmental Assessment (EA) number DOI-BLM-CA-C060-2009-0135, October 23, 2009. The Lease auction is scheduled to be held December 9, 2009.

FINDING OF NO SIGNIFICANT IMPACT

It is my determination that this proposed action will not result in significant impacts to the quality of the human environment. Anticipated impacts are within the range of impacts addressed by the Caliente Resource Management Plan. Thus, the December 9, 2009 Oil and Gas Competitive Lease Auction does 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 that 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.* No unique characteristic of the geographic area were identified within the proposed project area.
- 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 9d. 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 conditions present within the parcels and the proposal for leasing are similar to oil and gas lease sales that have been conducted in the Bakersfield Field Office in the past. The lease stipulations have been shown to be effective in minimizing impacts to protected and sensitive wildlife and plant species when properly implemented.

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.* The decision to hold this Competitive Oil and Gas Lease Auction is not precedent setting. There are at least two competitive oil and gas lease auctions held per year. Lease auctions have been conducted in this general area for many years and these are expected to continue. Auctions are an integral part of the nation's energy policy. Future auctions will be analyzed on their own merits in compliance with NEPA.

7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* No significant cumulative impacts have been identified. The parcels are within the "reasonably foreseeable development" scenario analyzed in the Caliente RMP (1997) and, therefore, the potential impacts of this action were analyzed in that EIS.

8) *The degree to which the action may adversely affect National Register listed or eligible sites or may cause loss or destruction of significant scientific, cultural or historical resources.* This covers the lease sale action only, not project level development. As a result there will be no adverse affect to National Register listed or eligible cultural sites.

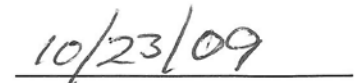
9) *The degree to which the action may adversely affect ESA listed species or critical habitat.* Although the parcels proposed for leasing include habitat for the San Joaquin Valley Federally listed species, these parcels are within the "reasonably foreseeable development" scenario analyzed in the Caliente RMP (1997) and, therefore, the potential impacts of this action were analyzed in that EIS and its associated Biological Opinion by USFWS.

10) *Whether the action threatens a violation of environmental protection laws or requirements.* This decision will not result in action that will threaten such a violation.

11) *The degree to which the action may adversely affect Traditional Cultural Properties or other places of cultural or religious value to Native Americans, as determined through consultation with local Native Americans Tribes and groups.* As a result of Native American consultation regarding lease parcel locations there will be no adverse affect to Traditional Cultural Properties or other places of cultural or religious value to Native Americans.

Approved by:


Timothy Z. Smith, Field Manager


Date