



**United States Department of the Interior
BUREAU OF LAND MANAGEMENT**

Bakersfield Field Office
3801 Pegasus Drive
Bakersfield, California 93308-6837



DECISION RECORD

Offering for Lease Certain Parcels within the
Bakersfield Field Office
For the
September 12, 2007 Oil and Gas Lease Auction

DECISION: It is my decision to approve the proposed action as described in Environmental Assessment (EA) number CA-160-07-062, except as noted below. Mitigation measures were built into the proposed action, and I have determined that additional mitigation is not required.

RATIONALE: This decision allows nine parcels encompassing 16,107.72 acres of land within the Bakersfield Field Office to be offered for oil and gas lease. These lands were previously identified as being available for lease in the Caliente Resource Management Plan, which was prepared with extensive public involvement. Restrictive stipulations designed to protect sensitive resources were identified at that time. This action is in conformance with that direction, which was analyzed in an environmental impact statement.

BLM decided to withdraw EA EOI Parcel #251 located in section 30, T. 27S., R. 30E., MDB&M. The U.S. government does not have legal access rights to this parcel.

The proposed action allows BLM to comply with national directives regarding oil and gas leasing. The Bureau of Land Management (BLM) has been mandated by Congress and the President to manage public lands for multiple use. One of these legitimate uses is energy production. The Bakersfield Field Office has a proven track record of balancing energy production with other uses, including wildlife habitat and the protection of cultural resources. This environmental assessment documents that this action can be approved and implemented without unnecessary and undue degradation.

A "no action" alternative was also considered. Since no unresolved conflicts involving alternate uses of resources, or options offering meaningful differences in environmental impacts, were identified during the course of analysis, the range of three alternatives was considered to be sufficient.

This environmental assessment was made available for public review on June 25, 2007. The public was notified of the availability of the environmental assessment via letters, press release, and notices on BLM web pages.

BLM received three comments to the environmental assessment document. These comments identified concerns for impacts to greenhouse gas emissions and global warming relating to biological resources and air quality. One comment requested that any contractor give a two-day notice to the right-of-way holder so that an inspector can be present at the site. The third comment indicated that the BLM does not have any legal access to the property and identified the ruggedness of the land; that it would be dangerous for anyone to attempt to cross such terrain. The final EA addresses these concerns. In addition, other minor clarifications and additions were made in the final environmental assessment.

Key points in the final EA include:

The parcels to be offered for leasing are in Kern and Kings Counties. Most of these parcels were nominated by industry. Therefore, they represent areas of high interest (see Appendix A – description of lands). Approximately 16,107.72 acres of Federal mineral estate are considered for leasing. Approximately 4,331.78 acres are public surface with Federal mineral estate and approximately 11,775.94 acres are split estate (private surface with Federal subsurface minerals). All parcels would be subject to special leasing stipulations that would protect both endangered species and sensitive species and their habitat.

BLM projects that up to 20 wells will be drilled on lands proposed for leasing in this action, with no more than 16 acres of permanent disturbance and 36 acres of temporary disturbance. It is not likely that all parcels will be leased, and the environmental assessment forecasts that only a small number of leased parcels will ever be developed. In addition, the disturbance from any development that does occur is projected to cover only a small part of a given parcel. This environmental assessment takes a hard look at the types and extent of the impacts that can be expected, and how they might affect critical resources. In the future when specific development proposals are received, they will be evaluated via subsequent site specific environmental analyses. Although a lessee has the right to develop a lease, BLM retains the authority to require proposals to be relocated or redesigned in such a way as to protect sensitive resources.

FINDING OF NO SIGNIFICANT IMPACT: See attached Finding of No Significant Impact.

APPEALS:

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at Title 43 of the Code of Federal Regulations (CFR) Part 4, and the information provided in BLM Form 1842-1.

If an appeal is taken, your notice of appeal must be filed in the Bakersfield Field Office, Bureau of Land Management, U.S. Department of the Interior, 3801 Pegasus Drive, Bakersfield, California 93308, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the board, pursuant to Title 43 of the code of Federal Regulations, Part 4, Subpart E, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) the relative harm to the parties if the stay is granted or denied,
- (2) the likelihood of the appellant's success on the merits,
- (3) the likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) whether the public interest favors granting the stay.



Timothy Z. Smith
Bakersfield Field Office Manager



Date