

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

**Application for Permit to Drill Powell Wells No. 3 and No. 4
Environmental Assessment Number CA-160-07-008**

BACKGROUND

The Bureau of Land Management (BLM) has received two applications for permit to drill (APDs) from Seneca Resources to access oil and gas resources for which they currently hold an oil and gas lease from the BLM, CARI 2298 in the Sespe oil field located in Section 34, T. 5 N., R. 19 W., SBB&M, Ventura County, California.

The Sespe oil field was discovered in the late 1880's and has been producing commercial quantities of oil and gas since that time. Currently, there are about 200 producing wells inside the Los Padres National Forest (LPF) boundary in the Sespe oil field, about half of which are on National Forest System (NFS) lands and half on privately owned surface.

The proposed well sites are located on an existing well pad known as the Slide Pad (193' x 95') that contains 15 existing wells. The Slide Pad is located on privately owned land (surface and mineral estate) adjacent to the LPF and Hopper Mountain National Wildlife Refuge. The well pad and oil lease are both located within the boundaries of the Sespe Condor Sanctuary, which was established on January 16, 1951 by Public Land Order 695 (PLO 695). PLO 695 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 Los Padres National Forest Service. Certain sections, including Section 34, were prohibited from surface use or invasion. Operations in other sections within the Condor Sanctuary were to remain one-half mile away from any nest that had been active within 3 years unless specific authorization was given by the Forest Service.

The existing **well pad** is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, inside the boundary of the Sespe Condor Sanctuary and is surrounded on two sides (north and east) by the Sespe Condor Sanctuary; however, it is not part of the Condor Sanctuary since it is private surface and private mineral estate.

The actual **oil lease** (CARI 2298) is located below NFS land surface inside the boundary of the Sespe Condor Sanctuary in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34. Because the NFS land surface above the oil lease is *public land* and part of the Sespe Condor Sanctuary, development on the surface directly above the oil lease is prohibited.

The leased lands under CARI 2298 embrace 480.03 acres within the Los Padres National Forest. The BLM has the responsibility in managing the operations of the lease; reviewing and processing new applications for permit to drill, and sundry notice and reports on wells within the National Forest.

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the information contained in the EA, and all other information available to me, it is my determination that: (1) the implementation of the Proposed Action will not have significant environmental impacts beyond those already addressed in July 2005 Los Padres National Forest Management Plan (LPNFMP); (2) the Proposed Action is in conformance with the Los Padres

National Forest Management Plan; and (3) the Proposed Action does not constitute a major federal action having a significant effect on the human environment. Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR '1508.27), both with regard to the context and to the intensity of the impacts described in the EA or as articulated in the letters of comment.

Context

Significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, affected interests, and the locality. Significance varies with setting. In the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

In this case, the proposed wells are located on an existing well pad known as the Slide Pad (193' x 95') that contains 15 existing wells. This is a site-specific action with minor localized effects to air qualities and mechanical emissions, soil, water, and wildlife.

Protections for threatened, endangered, or sensitive animal species are included in the proposed action. In the context of short- or long-term effects, there are about 200 producing wells inside the LPF boundary in the Sespe oil field, about half of which are on National Forest System (NFS) lands and half on privately owned surface that have been drilled since the oil field was discovered in the late 1880's.

Intensity

I have considered the potential intensity/severity of the impacts anticipated from the approval of two APDs in the Sespe oil field area relative to each of the ten areas suggested for consideration by the CEQ. With regard to each:

1. Impacts that may be both beneficial and adverse.

The project described in the EA will take place on an existing pad on private land. No potential impacts have been identified as significant due to the stipulations identified in the lease agreement, minimization and avoidance measures identified in Biological Opinion [September 28, 2009: 2007-F-0264], MOU between the USFWS, U. S. Forest Service and Seneca Operators Group, and additional measures identified in a (Sept. 9, 2008) letter to BLM from Seneca Resources.

2. The degree to which the proposed action affects 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 because these types of projects are frequently approved by the Bakersfield Field Office.

3. Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

This project is proposed within the boundary of the Los Padres National Forest and within the Sespe Condor Sanctuary, and adjacent to the Hopper Mountain Wildlife Refuge. These wells will be drilled from private land that has been previously disturbed. No significant impacts to its unique geography will occur.

The project will not have any significant effect to the California condor because of the implementation of minimization and avoidance measures identified in Biological Opinion [September 28, 2009: 2007-F-0264], MOU between the USFWS, U. S. Forest Service and Seneca Operators Group, and additional measures identified in a (Sept. 9, 2008) letter to BLM from Seneca Resources.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

No anticipated effects have been identified that are scientifically controversial. As a factor for determining within the meaning of 40 C.F.R. § 1508.27(b)(4) whether or not to prepare a detailed environmental impact statement, “controversy” is not equated with “the existence of opposition to a 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 highly uncertain or involve unique or unknown risks.

The proposed project is not unique or unusual. The BLM has experience implementing projects in other oil fields by approving APDs on other developed federal leases that are subject to Conditions of Approval. The Conditions of Approval have been shown to be effective in minimizing impacts to wildlife species, soil and water resources when properly implemented. These effects have been documented in inspection and monitoring reports of oil field operations throughout the Bakersfield Field Office.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

Issuance of a permit to drill is not precedent setting. This is one of many well permits that are issued by the Bakersfield Field Office. Any future APDs or Sundry Notices would be subject to NEPA compliance.

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 districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.

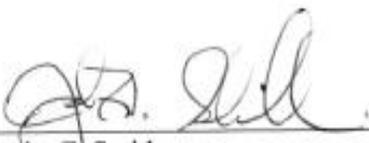
The project area does not include any sites listed on the National Register of Historic Places or sites known to be eligible.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

This project is within the Sespe Condor Sanctuary, and adjacent to the Hopper Mountain Wildlife Refuge. A formal Section 7 consultation was conducted with U.S. Fish and Wildlife Service for California condor. They concluded that approval of Powell Wells No. 3 and No. 4 was not likely to jeopardize the continued existence of the California condor.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The condor sanctuary area is under the jurisdiction of the LPNF (January 16, 1951; PLO 695). The proposed project does not violate or threaten to violate any known Federal, State, or local law or requirement imposed for the protection of the environment. Furthermore, the proposed project is consistent with the applicable Los Padres National Forest Management Plan.



Timothy Z. Smith
For Bakersfield Field Office - Manager

5/5/2010
Date