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 1997 Caliente Resource Management Plan, 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 Caliente Resource Management Plan. Thus, the March 12, 2008 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 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 if 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. 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.

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 Caliente Resource Management Plan.

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. At this time, 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. Any impacts from oil and gas leasing, exploration, and development of the Federal lands are within the range analyzed in the Caliente RMP, EIS and Biological Opinion.

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.

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.

1/25/08
Date