



United States Department of the Interior
Bureau of Land Management
Bakersfield Field Office
3801 Pegasus Drive
Bakersfield, California 93308-6837
www.ca.blm.gov/bakersfield



DECISION RECORD

Offering for Lease Certain Parcels within the
Bakersfield Field Office
For the
September 9, 2009 Oil and Gas Competitive Lease Auction

INTRODUCTION: The Environmental Assessment (EA) for September 9, 2009 oil and gas competitive lease auction offers 12 parcels encompassing 2,096.59 acres of federal mineral estate in Kern County, California.

This action is intended to meet the responsibilities of the Bureau of Land Management under the Mineral Leasing Act, and the Federal Onshore Oil and Gas Leasing Reform Act of 1987 to conduct competitive oil and gas lease auctions within the State of California.

The EA was presented to the public on May 15, 2009. In response to the public comments, its format has been changed for ease of reading and its content modified for a more comprehensible analysis.

The modifications to the EA addresses the identification of all of the expressions of interest received, deferred acreages, two additional alternatives (preferred and reviewed but deferred), climate change information, cumulative impacts to the San Joaquin kit fox, and adds Appendices D, E, and F.

BLM projects that up to one well will be drilled on lands proposed for leasing in this action, with no more than one acre of disturbance. Appendix D identifies the activity on leases from lease sales held the past 10 years.

BLM has reviewed literature on the impacts of oil development on San Joaquin kit fox and has incorporated that information into the EA. BLM will require appropriate surveys and take avoidance measures so that the impacts to San Joaquin kit fox will not be significant at the site-specific or cumulative impacts scale.

DECISION: It is my decision to approve the proposed actions as described in Environmental Assessment (EA) number DOI-BLM-C060-2009-0038, 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 twelve parcels encompassing 2,096.59 acres of land within the Bakersfield Field Office to be offered for oil and gas lease auction. 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.

The lands that have been identified as deferred (6,668.23 acres) are not being offered at this time. They

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will be reviewed and analyzed for offer after the completion of the Bakersfield and the Carrizo Plain National Monument Resource Management Plans.

The proposed action allows the Bureau of Land Management (BLM) to comply with national directives regarding oil and gas leasing. The BLM has been mandated by Congress and the President to manage public lands for multiple uses. 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 EA 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 four alternatives were considered to be sufficient.

The EA was made available for public review and comment on May 15, 2009. The public was notified of the availability of the environmental assessment via letters, press release, and notices on BLM web pages.

BLM received two letters commenting to the EA within the legal 30-day timeframe. One commenter identified concerns with leasing and commented that the “No Action” should be the preferred action. The second commenter identified concerns regarding direct, indirect, cumulative effects, impacts to San Joaquin Kit Fox, climate change, and concerns with restoration measures and clean up costs. The final EA addresses these concerns and has been modified accordingly. In addition, other edits and clarifications and clerical corrections were made in the EA.

Key points in the final EA include:

The parcels to be offered for leasing are in Kern County. See Appendix A – description of lands. Approximately, 2,096.59 acres of Federal mineral estate are considered for leasing. Approximately 554.38 acres are public surface with Federal mineral estate and approximately 1,542.21 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 one well will be drilled on lands proposed for leasing in this action, with no more than one acre of 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

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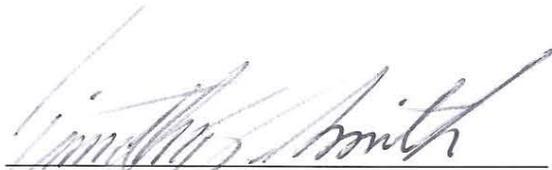
Management, U.S. Department of the Interior, 3801 Pegasus Drive, Bakersfield, California 93308, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

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 to 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

7/24/09

Date