

**United States Department of the Interior
Bureau of Land Management
Bakersfield Field Office**

Decision Record

**Berry Petroleum
6 Applications for Permit to Drill in Midway Sunset
DOI-BLM-CA-C060-2024-0054-EA
Programmatic Project #147**

Introduction

On 19 January 2023, the Bureau of Land Management (BLM) Bakersfield Field Office (BKFO) received six (6) Applications for Permit to Drill (APD) from Berry Petroleum (Berry) to drill wells: Pike 201, Pike 202, Pike 203, Pike 204, Pike 205, and Pike 206 on federal mineral lease CAS019360 in Section 28, T32S, R24E, Mount Diablo Base Meridian (MDBM) in Kern County, CA. The proposed project would occur on public lands containing Bureau of Land Management (BLM) administered mineral estate within the Midway Sunset Oilfield. Project implementation would include expansion of three existing well pads, installation of associated power poles and pipelines, and drilling six wells. Berry proposes to install the wells over a 2-year period, three wells per year.

The purpose of the proposed action is to respond to the APDs.

The need for the action is established by the Mineral Leasing Act of 1920 as amended (MLA), the Mining and Minerals Policy Act of 1970, the Federal Land Policy and Management Act of 1976 (FLPMA), and other applicable laws and policies which require BLM to allow reasonable access to develop a federal oil and gas lease.

Decision¹

I have reviewed the recommendations on the proposed action addressed in the attached Environmental Assessment (EA). I find this action to be in conformance with applicable land use plans, to effectively serve the public, and to not cause unnecessary or undue degradation. It is therefore my decision to approve the proposed action, which is subject to the Design Features/Conditions of Approval included in the EA.

¹ Executive Order 14154, *Unleashing American Energy* (Jan. 20, 2025), and a Presidential Memorandum, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity* (Jan. 21, 2025), require the Department to strictly adhere to the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 *et seq.* Further, such Order and Memorandum repeal Executive Orders 12898 (Feb. 11, 1994) and 14096 (Apr. 21, 2023). Because Executive Orders 12898 and 14096 have been

repealed, complying with such Orders is a legal impossibility. The [bureau] verifies that it has complied with the requirements of NEPA, including the Department's regulations and procedures implementing NEPA at 43 C.F.R. Part 46 and Part 516 of the Departmental Manual, consistent with the President's January 2025 Order and Memorandum.

Alternatives Considered but not Selected

A No Action Alternative that would deny the application was considered, but not selected.

Decision Rationale

The decision to approve the APDs meets the purpose and need of BLM by allowing Berry to expand production on federal mineral lease CAS019360, pursuant to MLA, FLPMA, and 43 CFR 3160.

The proposed action has been reviewed for conformance with the Bakersfield Resource Management Plan approved on December 22, 2014. The BLM has determined the proposed action conforms with the land use plan as the proposed action is specifically provided for in the land use plan objective MM-O-1 "Facilitate reasonable, economical, and environmentally sound exploration and development of leasable minerals while minimizing impacts to other resources" (BLM, 2014; pg. 75). The proposed action is located on lease CAS019360, which was issued prior to the 2014 Bakersfield RMP. The 2014 Bakersfield RMP recognizes all valid existing rights (BLM, 2014; pg. 1).

Consultation and Coordination

Public Involvement

The BLM posted notification that it was considering these APDs on the E-Planning public website on May 3rd, 2024. This notice initiated the 30-day scoping period. The BLM also posted copies of the APDs in the front lobby of the Bakersfield Field Office for that 30-day period. Comments from the Center of Biological Diversity and Earth Justice were received. Comments have been addressed in this EA.

Biological Consultation

Formal consultation with the U.S. Fish and Wildlife Service was initiated in 2016. The Fish and Wildlife Service issued their "No jeopardy" biological opinion on December 22, 2017 (Programmatic Biological Opinion on Oil and Gas Activities on Bureau of Land Management Lands in the San Joaquin Valley, 08ESMF00-2016-F-0683). The 2017 Oil and Gas Programmatic Biological Opinion provides take coverage for authorization of individual projects occurring on surface and subsurface lands administered by the BLM in the San Joaquin Valley that disturb less than 10 acres of habitat or that encompass linear actions less than 10 miles long. This project occurs in Kern County and disturbs 0.273 acres, thus satisfying both requirements for coverage under the 2017 Oil and Gas Programmatic Biological Opinion.

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 Bakersfield RMP; the Endangered Species Act; the National Historic Preservation Act; the Paleontological Resources Preservation Act; other cultural resource management laws and regulations; and Executive Order 13212 regarding potential adverse impacts to energy development, production, supply and/or distribution.

Administrative Remedies

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor:

U.S. Department of the Interior
Office of the Solicitor, Pacific Southwest Region
2800 Cottage Way, Room E-1712
Sacramento, CA 95825-1890

The effective date of this decision and the date initiating the appeal period will be the date of approval by the authorized officer.

Assistant Field Manager- Minerals