

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

Decision Record

**Holmes Western Oil Corporation
Ten Applications for Permit to Drill in Midway Sunset
DOI-BLM-CA-C060-2024-0060-EA**

Introduction

On 10/17/2022, Holmes Western Oil Corporation (Holmes Western) submitted ten (10) Applications for Permit to Drill (APD) to drill Wells: USL 17-143, USL 17-146, USL 17-147, USL 17-148, USL 17-149, USL 17-151, USL 17-152, USL 17-153, USL 17-154, and USL 17-155 on federal mineral lease CALA0164691 in Section 17, T11N, R23W, SBBM, 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 the drilling of ten new wells and the installation of associated power poles and pipelines. No new disturbance is anticipated for this project as the proponent would utilize existing well pads and access roads.

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 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.

Alternatives Considered but not Selected

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

¹ The BLM is aware of the November 12, 2024 decision in *Marin Audubon Society v. Federal Aviation Administration*, No. 23-1067 (D.C. Cir. Nov. 12, 2024). To the extent that a court may conclude that the Council on Environmental Quality (CEQ) regulations implementing NEPA are not judicially enforceable or binding on this agency action, the BLM has nonetheless elected to follow those regulations at 40 C.F.R. Parts 1500– 1508, in addition to the DOI's procedures/regulations implementing NEPA at 43 CFR Part 46, to meet the agency's obligations under NEPA, 42 U.S.C. §§ 4321 et seq.

Decision Rationale

The decision to approve the APDs meets the purpose and need of BLM by allowing Holmes Western to expand production on federal mineral lease CALA0164691, 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 leases CALA0164691, which was issued prior to the 2014 Bakersfield Resource Management Plan (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 9th, 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. Since this project does not include habitat disturbance, coverage under the 2017 Oil and Gas Programmatic Biological Opinion is not needed.

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; Executive Order 12898 regarding Environmental Justice; 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.

JOHN HODGE Digitally signed by JOHN
HODGE
Date: 2024.12.18 13:47:15
-08'00'

Assistant Field Manager- Minerals