



NOTICE OF INTENT TO ADOPT A FONSI IN LIEU OF A NEGATIVE DECLARATION

NOTICE IS HEREBY GIVEN that the California Department of Conservation's Geologic Energy Management Division (CalGEM), as the lead state agency under the California Environmental Quality Act (CEQA), intends to adopt two Findings of No Significant Impacts (FONSIs) prepared pursuant to the National Environmental Policy Act (NEPA) by the U.S. Department of the Interior/Bureau of Land Management (BLM) for the Berry Petroleum Company, LLC, Midway-Sunset Oil Field (Southwestern Lease), CalGEM PFID 379714 project. In accordance with California Code of Regulations (CCR), Title 14, § 15072 of the CEQA Guidelines, this Notice is to inform responsible agencies and other interested parties of the availability of the approved FONSIs and solicit comments and concerns regarding the environmental issues associated with the proposed project. (14 CCR § 15105.)

The BLM prepared a Determination of NEPA Adequacy (DOI-BLM-CA-C060-2023-0012-DNA) which concludes the proposed action is consistent with activities addressed in the Environmental Assessments (EAs) for "Berry Petroleum Company's North Midway-Sunset Development Project" (DOI-BLM-CA-C060-2011-0103-EA, June 2011) and "Berry Petroleum; Midway Sunset/Southwestern; 38 APD's" (DOI-BLM-CA-C060-2019-0093-EA, July 2019). The BLM determined there would be no anticipated impacts not analyzed in the two EAs. Both EAs resulted in a FONSI. The BLM signed a Record of Decision on December 23, 2022, approving the proposed action. The BLM found that the proposed action will not have a significant effect on the environment.

In accordance with CEQA (PRC § 21000, et seq.), the CEQA Guidelines (14 CCR § 15000, et seq.), and NEPA, CalGEM is the CEQA lead agency for the proposed project, while BLM is the NEPA lead agency. CalGEM reviewed the approved EAs/FONSIs and found that they meet a majority of the requirements of CEQA, except CEQA circulation and Tribal consultation requirements. CalGEM took actions to address identified issues, and therefore, deemed all CEQA requirements met, when analyzing the EAs/FONSIs in conjunction with the additional actions taken by CalGEM. The CEQA Guidelines direct state agencies to use a FONSI prepared pursuant to NEPA rather than preparing a new CEQA document if the FONSI has been or will be prepared before a Negative Declaration (ND) or Environmental Impact Report would otherwise be completed for the project and the FONSI complies with the Guidelines. (14 CCR § 15221.) Therefore, CalGEM intends to use the FONSIs rather than preparing an ND for this project.

Project Description: Berry Petroleum Company, LLC proposes to drill two new oil & gas production wells in the Midway-Sunset Oil Field in Kern County. The proposed project is estimated to take a total of 47 days once work has begun. The first phase of this project would be site construction which includes: expansion of the well pads; connection to existing electrical lines; and installation of various above-ground piping to connect well sites to existing infrastructure. Wells would be drilled sequentially by one rig moving from one pad location to the next, with activity limited to the immediate area of the pad on which the drilling would occur. The final phase of the project would be to connect the



wells to all required production piping and equipment. The project would take place on public lands containing BLM administered subsurface minerals, for a total disturbance equal to 1.134 acres.

Location: The proposed project is in Kern County, California, within the Midway-Sunset Oil Field approximately one mile east of the unincorporated community of Derby Acres (S02, T31S, R22E, MDB&M). The proposed project is not located on a site included on a list of hazardous material sites compiled pursuant to Government Code § 65962.5 [14 CCR § 15072(g)(5)].

Environmental Effects: CalGEM reviewed BLM's analysis of environmental impacts. It was determined that impacts to all resource areas were adequately addressed in the EAs/FONSIs and that any impacts would be less than significant. Specific review areas of note that received additional review included air quality, greenhouse gas emissions, hydrology and water quality, and tribal-cultural resources. CalGEM determined that impacts to these review areas were adequately addressed, as discussed below.

Air Quality, Greenhouse Gas Emissions, and Hydrology and Water Quality: CalGEM reviewed the analysis of air quality, greenhouse gas emissions, and hydrology and water quality impacts and found that the EAs/FONSIs adequately evaluated these impacts and that any impacts would be less than significant.

Air Quality: CalGEM reviewed the air quality analysis provided in the EAs and found that the documents adequately addressed the following issues: implementation of the applicable air quality plan, cumulatively considerable net increase, exposure of sensitive receptors to substantial pollutant concentrations, and odors/other emissions adversely affecting a substantial number of people. The EAs determined that the implementation of existing and proposed regulatory requirements would offset the increase in potential emissions related to the proposed project.

Greenhouse Gas Emissions (GHG): CalGEM reviewed the GHG emissions analysis provided in the EAs and found that the documents adequately addressed the following issues: impact of GHGs on the environment and compliance with applicable plans, policies, and regulations. Compliance with local requirements would reduce the impact of GHGs.

Hydrology and Water Quality: CalGEM reviewed the hydrology and water quality analysis provided in the EAs and found that the documents adequately addressed the following issues: compliance with water quality standards, impact to groundwater supplies, impact to existing drainage pattern, risk of release of pollutants due to project inundation, and compliance with a water quality control plan and/or sustainable groundwater management plan. Compliance with local requirements and the design features of the project would reduce the impact to water quality.



Tribal-Cultural: CalGEM's analysis found that the EAs/FONSI's did not fully meet CEQA requirements of Tribal consultation. CalGEM took actions to meet CEQA requirements. CalGEM noticed Tribes about the EAs/FONSI's in order to address CEQA and AB 52 Tribal Consultation requirements. CalGEM found that the documents in conjunction with CalGEM's actions comply with the provisions of the CEQA Guidelines. (14 CCR § 15221.)

CEQA Document Circulation: CalGEM's analysis found that the EAs/FONSI's did not fully meet CEQA requirements for document circulation. NEPA documents must have been noticed at the same level at which the equivalent CEQA document would be noticed in order for an agency to use a NEPA document in lieu of CEQA (14 CCR § 15225). CalGEM is circulating the EAs/FONSI's in order to address CEQA requirements for public notice.

California's Senate Bill 1137 (SB 1137): CalGEM has reviewed the operator's statement and all other relevant information and whether each feature identified is a sensitive receptor. CalGEM verified that the subject location of the NOIs is not within a Health Protection Zone (HPZ).

California's Senate Bill 237 (SB 237): CalGEM has reviewed the operator's statement and all other relevant information and whether the project would be eligible for Kern County's oil and gas streamlined permitting process. CalGEM verified the project location and determined that SB 237 is not applicable. CalGEM's analysis found that the project is within BLM's surface and mineral ownership, which falls outside of the scope of Kern County's Second Supplemental Recirculated Environmental Impact Report (SSREIR).

Public Review Period: The EAs/FONSI's are being circulated for public review and comment for a period of 30 days, beginning **April 13, 2026**, and ending **May 12, 2026**, pursuant to California Code of Regulations, Title 14, § 15105. No public meetings are planned for the proposed project. Written comments should be submitted and received by **May 12, 2026**. Written comments should be sent to: California Geologic Energy Management Division (CalGEM), CEQA Program, 715 P Street, MS 1803, Sacramento, CA 95814; or email comments to CEQA@conservation.ca.gov.

Availability of Environmental Documentation: The EAs/FONSI's are now available for public review by appointment only at the following location during normal business hours: CalGEM Central District Office, 11000 River Run Boulevard, Bakersfield, CA 93311. Per the CEQA Guidelines, CEQA Notices and Documents are submitted to the State Clearinghouse and are available for inspection on CEQAnet at the following link: <https://ceqanet.lci.ca.gov>. An electronic copy is also posted on the CalGEM website at: <https://www.conservation.ca.gov/calgem/CEQA/Pages/CEQANotices.aspx>.

For any questions or for distribution of a hard copy of the EAs/FONSI's, please contact the CEQA Program at CEQA@conservation.ca.gov, or (916) 445-9686, using Attn: [379714_Group_Berry_OG_UIC].



California
Department of Conservation
Geologic Energy Management Division

Gavin Newsom, Governor
Jennifer Lucchesi, Director

Nicole Trezza

Nicole Trezza
Project Manager
CalGEM CEQA Program
Department of Conservation