

State of California  
Natural Resources Agency / Department of Conservation  
DIVISION OF OIL, GAS AND GEOTHERMAL RESOURCES

**California Environmental Quality Act**  
**Notice of Exemption**

**To:** Office of Planning & Research  
State Clearinghouse  
1400 Tenth Street, Room 113  
Sacramento, CA 95814

**From:** Department of Conservation  
Division of Oil, Gas & Geothermal Resources  
801 K Street, MS 18-05  
Sacramento, CA 95814

**Contact:** Larry Kleinecke, (916) 445-9686

**Project Title:** OG Berry 7 Wells 11182019

**Project Applicant:** Berry Petroleum Company, LLC

**Project Location:** Midway-Sunset Oil Field

County: Kern

Section: 02

Township: 31S

Range/Baseline: 22E / MD B&M

Latitude/Longitude: 35.254385, -119.578551

**Project Description:** The proposed project consists of drilling seven new wells in the Midway-Sunset Oil Field in Kern County. The proposed project is in an area with surface and mineral rights owned by the U.S. Bureau of Land Management (BLM). DOGGR has issued permits for the wells and notified BLM of the permits.

API #	Well Name	API #	Well Name
0403067110	Southwestern 60-57	0403067111	Southwestern 60-53
0403067112	Southwestern 58-57	0403067114	Southwestern 59-54
0403067121	Southwestern 60-55	0403067122	Southwestern 59-56
0403067119	Southwestern 58-55		

Details on well locations can be found on the Division's website at:  
<http://www.conservation.ca.gov/dog/Pages/Wellfinder.aspx>

**Exempt Status:** As the Lead Agency, the Division of Oil, Gas, and Geothermal Resources (Division), has determined that the proposed project is exempt from further environmental review requirements of the California Environmental Quality Act (CEQA), pursuant to the specified exemptions marked in the section below. The Division further finds that the proposed project would not result in a significant adverse impact to the environment, or that any of the exceptions to the exemptions apply (14 CCR 15300.2).

Exemption Type	Statute (PRC)	Regulation (14 CCR)	
<input checked="" type="checkbox"/> <b>Statutory Exemption:</b>			
<input checked="" type="checkbox"/> Ongoing Project ( <i>pre-CEQA. Approval prior to April 5, 1973</i> )	21169	15261 (b)	
<input type="checkbox"/> Ministerial	21080 (b)(1)	15268	
<input type="checkbox"/> Declared Emergency	21080 (b)(3)	15269 (a)	
<input type="checkbox"/> Emergency Projects	21080 (b)(4)	15269 (b) or (c)	
<input checked="" type="checkbox"/> <b>Categorical Exemption:</b>	21084		
<input checked="" type="checkbox"/> <b>Class 1:</b> Existing Facilities		15301	1684.1
<input type="checkbox"/> <b>Class 3:</b> New Construction/Conversion of Small Structures		15303	
<input checked="" type="checkbox"/> <b>Class 4:</b> Minor Alterations to Land		15304	1684.2
<input type="checkbox"/> <b>Class 6:</b> Information Collection		15306	
<input type="checkbox"/> <b>Class 7:</b> Protection of Natural Resources		15307	
<input type="checkbox"/> <b>Class 8:</b> Protection of the Environment		15308	
<input type="checkbox"/> <b>Class 11:</b> Accessory Structures		15311	
<input type="checkbox"/> <b>Class 21:</b> Enforcement Actions to revoke a permit		15321	
<input type="checkbox"/> <b>Class 30:</b> Minor Actions to Prevent, Minimize, Stabilize, Mitigate, or Eliminate a Release (Actual or Threat) of Hazardous Substances (Waste or Material)		15330	
<input type="checkbox"/> <b>Class 33:</b> Small Habitat Restoration Projects		15333	
<input type="checkbox"/> <b>General Exemption</b> ("common sense")		15061 (b)(3)	
<input type="checkbox"/> <b>Not a "Project" subject to CEQA</b>		15378 (b)(2)	

**CEQA Exceptions to the Exemptions (14 CCR 15300.2):** where project is located (e.g. sensitive environment); Cumulative Impact; Significant Effect due to Unusual Circumstances; Scenic Highways; Hazardous Waste Sites; Historical Resources.

**Reasons Why Project is Exempt:**

The basis for the Division's determination that the project is exempt from the requirements of CEQA is provided in the brief explanation below.

**15261(b) - Ongoing Project:** The project is statutorily exempt from CEQA under the Ongoing Project exemption (PRC 21169; 14 CCR 15261(b)) because the Division identified administrative boundaries of the Midway-Sunset oil & gas field that were approved prior to April 5, 1973 (pre-CEQA). Division permit approvals for oil & gas activities within this field occurred before April 5, 1973 and those permit approvals occurring after that date do not involve a greater degree of responsibility or control over the project as a whole than did the prior approvals.

**Class 1 – Existing Facility:** The project is categorically exempt from CEQA under the "Class 1" (14 CCR §15301) exemption per the CEQA Guidelines and per DOGGR's regulations (14 CCR §1684.1) because the wells will be installed within an existing oil field and involve no expansion of use of the oil field.

**Class 4 – Minor Alterations to Land:** The project is categorically exempt from CEQA under the "Class 4" (14 CCR 15304) exemption per the CEQA Guidelines because the project involves the minor alteration of the condition of land and/or vegetation within a densely developed oil field and does not require the removal of healthy, mature scenic trees.

**Exceptions to Exemptions:** The Division further finds that there are no exceptions to the otherwise-applicable categorical exemptions (PRC §21084; 14 CCR 15300.2(c)). There is no substantial evidence that there are any "unusual circumstances" associated with the proposed project that create a reasonable possibility that the activity will have a significant effect on the environment, and that there is no significant "cumulative impacts" resulting from successive projects of the same type in the same place. Therefore, this project is not subject to CEQA.

A copy of this NOE (as required by 14 CCR 15062(a)) and all other related materials are available for public inspection at the Division's CEQA Unit, located at 801 K Street, 14<sup>th</sup> floor, Sacramento, CA 95812; or an electronic copy of these documents may also be accessed online at the State Clearinghouse: <https://ceqanet.opr.ca.gov>; and/or the Division's website at <http://www.conservation.ca.gov/dog/CEQA>

Certified:

Division of Oil, Gas, and Geothermal Resources  
CEQA Unit

Date:

11/21/2019