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The Decision

The decision is hereby made to incorporate the attached Final Supplemental Environmental Impact Statement (Final Supplemental EIS) for the Bakersfield Field Office Resource Management Plan (RMP) into the August 2012 Final Environmental Impact Statement, which supported the Bakersfield Field Office Proposed Resource Management Plan. The Record of Decision (ROD) for the Bakersfield Field Office Resource Management Plan was approved in 2014 (2014 RMP). The Final Supplemental EIS was prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, and its regulations. The document addresses the requirements of a May 2017, U.S. District Court Order and settlement agreement, which required that BLM analyze the effects of hydraulic fracturing in a supplemental NEPA document, the deficiency identified by the court in its 2016 order.

The Final Supplemental EIS analysis concluded that no changes to the land use planning decisions presented in the 2014 RMP are necessary. Amending the 2014 RMP as part of this supplementation effort was considered. While the estimated impacts of hydraulic fracturing and the resource or program management goals and objectives stated in the 2014 RMP were analyzed, no change to the RMP was warranted. The 2014 RMP includes broad land use plan decisions that provide the overall direction for managing resources and resource uses in the Bakersfield Decision Area. Land use plan decisions are expressed as goals and objectives (desired outcomes) and management actions anticipated to achieve desired outcomes. As part of the settlement of litigation, the parties agreed to partial remand without vacatur of the ROD to address a deficiency in the analysis of hydraulic fracturing identified by the court. Further, BLM agreed to issue a new decision document to amend or supersede the existing ROD to the extent BLM determined it necessary or appropriate. The BLM issues this ROD to re-affirm the portions of the 2014 ROD that were set-aside in the partial remand. Because there are no changes to the 2014 RMP resulting from supplementation of its underlying EIS, with signature of this ROD, that part of the 2014 ROD that was set aside on remand, is now in effect.

The decisions in the 2014 RMP apply only to BLM-managed surface and federal mineral estate. These decisions do not apply to private lands, State lands, tribal lands, and federal lands not administered by the BLM; they will not change existing rights or authority of private land owners or other surface management agencies.

Alternatives

The U.S. District Court upheld the range of alternatives analyzed in the 2012 Final EIS. The Final Supplemental EIS analysis carried the range of alternatives forward, making no change to the range of alternatives. The alternative summaries below are those presented in the ROD for the 2014 RMP. A focused comparison of the alternative fluid minerals management actions can be found in Chapter 2 of the 2019 Supplemental EIS.

Alternatives Considered in Detail in the 2012 FEIS for the 2014 ROD

The 2012 Proposed RMP/Final EIS, Chapter 2 presented five alternatives considered in detail. These five alternatives represented five management directions that could be taken in resolving the issues identified through the scoping process. Each alternative was intended to be consistent with law, regulation, and policy while providing varying levels of compatible resource uses and development opportunities. The alternatives developed and analyzed during the planning process reflected a reasonable range of potential management actions. General overviews of each alternative are provided below.

Alternative A, No Action Alternative, continues management under the 1997 Caliente RMP and 1984 Hollister RMP, as amended. Management of resources and sensitive habitats would remain at current levels, but would not address emerging issues concerning public lands. This alternative also would not address the use of lands acquired after the signing of these RODs, including public lands at Atwell Island, Piedras Blancas Light Station, and portions of the San Joaquin River Gorge.

Alternative B (Proposed/Approved Plan) balances resource conservation and ecosystem health with the production of commodities and public use of the land. This alternative provides opportunities to produce commodities from natural resources and to use the land for public purposes on a sustainable basis, while maintaining important ecological, cultural, and recreational values. This alternative includes changes made as a result of public comment and internal review on the 2011 Draft RMP/Draft EIS.

Alternative C emphasizes conserving cultural and natural resources, maintaining functioning natural systems, and restoring natural systems that are degraded. Management would focus on protecting sensitive resources through greater limitation of resource uses.

Alternative D mimics Alternative C in all aspects except livestock grazing. This alternative eliminates livestock grazing from all the public lands for the extent of the plan where individual pastures of allotments or entire allotments which lie primarily within the Bakersfield Field Office Planning Area and, therefore, the Bakersfield RMP provides administrative direction for the livestock grazing program.

Alternative E emphasizes the production of natural resources commodities and public use opportunities. Resource uses such as recreation, livestock grazing, mining, and oil/gas leasing, consistent with BLM guidance and constraints, would be emphasized. Potential impacts on sensitive resources would be mitigated on a case-by-case basis.

The District Court upheld the range of alternatives presented in the 2012 RMP and 2014 ROD. The Supplemental EIS did not consider additional alternatives to land management within the Bakersfield Field Office, and the outcome of the analysis did not indicate a need to modify the alternatives.

Environmentally Preferable Alternative

The BLM considered Alternative B to be the environmentally preferable alternative when taking into consideration the human (social and economic) environment, as well as the natural environment. The U.S. Council on Environmental Quality (CEQ) has defined the environmentally preferable alternative as the one that will promote the national environmental policy, as expressed in Section 101 of the NEPA.

This section in the 2012 Final EIS/Proposed RMP listed six broad policy goals for all federal plans, programs, and policies as follows:

- Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations.
- Assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings.
- Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences.

- Preserve important historic, cultural, and natural aspects of our National heritage, and maintain, whenever possible, an environment that supports diversity and variety of individual choice.
- Achieve a balance between populations and resource use that will permit high standards of living and a wide sharing of life's amenities.
- Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

In comparison with the other alternatives that were analyzed in 2012, Alternative B best met these NEPA goals for the future management of the Bakersfield Decision Area. It provides long-term protection and resource conservation and balances current and potential resource uses and human influence with resource protection. After analysis of the impacts of hydraulic fracturing in the 2019 EIS, this conclusion does not vary.

Alternative A did not address the changing ecological, social-economic, institutional, and regulatory conditions that have occurred since the approval of the 1997 Caliente RMP or the 1984 Hollister RMP as stated in the Purpose and Need of the Final EIS. Alternative C would be more protective of natural and biological resources than the other alternatives. Alternative D would eliminate livestock grazing from the Bakersfield Decision Area and would contradict the NEPA goals listed above. Alternative E was identified as the least environmentally preferable alternative because it offers the most intensive active management for uses of the Bakersfield Decision Area, while providing the fewest restrictions for protecting resources.

Alternatives Considered, But Not Further Analyzed in the 2012 EIS

Additional alternatives and management options were considered as possible ways of resolving resource management issues and conflicts, but were eliminated from detailed analysis because they were either unreasonable or not practical for technical, legal, or policy reasons. Those included: A) Proactive Land Disposal, B) Prohibition of New Oil and Gas Development, C) Restrict Solid (non-energy) Leasable and Salable Mineral Development, and D) Modified Grazing alternatives.

No additional alternatives considered but eliminated were presented in the Supplemental EIS.

Management Considerations as addressed by the 2019 Supplemental EIS

In developing the Final Supplemental EIS, the BLM focused on taking a "hard look" at the potential environmental effects of hydraulic fracturing. Since the U.S. District Court upheld the range of alternatives analyzed in the 2012 Final EIS and found the Reasonably Foreseeable Development Scenario to be acceptable, the BLM carried these forward during the supplemental analysis. The BLM considered whether the potential environmental effects disclosed in the Supplemental EIS would result in unresolvable conflicts between the estimated impacts of hydraulic fracturing and the resource or program management goals and objectives stated in the 2014 approved RMP. The potential impacts from hydraulic fracturing for all resources analyzed were determined to be negligible and were within the scope of impacts analyzed in the 2012 Final Environmental Impact Statement. Based on this result, an amendment to the 2014 RMP is not necessary. With the finalization of the Supplemental EIS, the remanded portion of the 2014 ROD is final and effective upon signing of this 2019 ROD.

Public Involvement

Public Scoping

The Notice of Intent for the Bakersfield Field Office Supplemental EIS and Potential RMP Amendment was published in the *Federal Register* on August 8, 2018, (Vol. 83, No. 153, Pages 39116-39117). The opportunity to comment was also publicized through news releases and posting on BLM's web site. Roughly 8,000 scoping comments were received during the scoping period. Scoping comments were summarized in a Scoping Report. The report was publicized through news releases and posting on BLM's web site.

Public Review of and Comment on the Draft Supplemental EIS

The Environmental Protection Agency (EPA) published a Notice of Availability (NOA) of the Draft Supplemental EIS on April 26, 2019, (Vol. 84, No. 81, Pages 17885-17886). The NOA initiated the 45-day public comment period required for draft EIS documents. The Draft Supplemental EIS was made available for viewing, downloading, and commenting by posting the document on the BLM web site and provided as paper copies on request. The BLM held three public meetings in May 2019. Meeting locations were in Bakersfield, San Luis Obispo, and Santa Barbara. Over 600 people attended the public meetings. The BLM received approximately 16,000 written comment letters from organizations, government agencies, industry representatives, and individuals during the comment period. Most of the written submissions contained multiple comments on different topics, and 118 submissions were unique and substantive. In preparing the Final Supplemental EIS, the BLM considered all comments received or postmarked during the public comment period. The public comment summary report is included as Appendix B for the 2019 Supplemental EIS.

Public Availability of the Final Supplemental EIS

The EPA published a NOA of the Final Supplemental EIS on November 1, 2019, (Vol. 84, No. 212, Pages 58739-58740). The NOA initiated the 30-day availability period required for Final EIS documents.

Decision Made

The District Court approved partial remand without vacatur of the 2014 ROD and RMP for BLM to consider the effects of hydraulic fracturing in the decision area. BLM has fully analyzed the effects of hydraulic fracturing in accordance with the order of the court and the 2012 EIS has been supplemented, satisfying the partial remand by the court. The supplemental NEPA analysis did not identify any necessary change to the planning decisions made in the 2014 ROD. The decision incorporating the supplemental EIS for the Bakersfield Field Office Resource Management Plan (RMP) into the August 2012 EIS, which supports the Bakersfield Field Office RMP, is approved. The 2014 RMP is and remains in effect.

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