## State of California Natural Resources Agency / Department of Conservation GEOLOGIC ENERGY MANAGEMENT DIVISION

## 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
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Project Title: Berry 102023-003-Multi

Project Applicant: Berry Petroleum Company, LLC

Project Location: Midway-Sunset; 36/32S/23E/MD; 35.10390472, -119.44862366

## **Project Description:**

The originally approved project consists of reworking two existing wells for continued production by making selective perforations in the Sub-LakeView reservoir and Lower Tulare reservoir and conducting Step Rate Tests. Water will be purchased from West Kern Water District for 8,400 gals per well site. Drilling fluid and cuttings will be discharged into permitted surface impoundments. Equipment to conduct rework operations will use existing oilfield roads and will be deployed for rework operations on existing oilfield pads, with no new surface disturbance. The wells will be returned to production after being idle.

CalGEM has approved permits for Berry Petroleum Company, LLC to rework the oil and gas wells listed below, in the Midway-Sunset oilfield.

API#	Well Name
0403006022	Section 36 21
0403021399	SEC31D32

**Exempt Status:** As the Lead Agency, CalGEM 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. CalGEM 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 application of the exemptions apply (14 CCR § 15300.2).

	Exemption Type	Statute (PRC)	Regulation (14 CCR)					
Statutory Exemption:								
	Ongoing Project (pre-CEQA approval on April 5, 1973)	21169	15261 (b)					
	☐ Ministerial	21080 (b)(1)	15268					
	☐ Declared Emergency	21080 (b)(3)	15269 (a)					
	☐ Emergency Projects	21080 (b)(4)	15269 (b) or (c)					

	Categ	orical Exemption:	21084			
	$ \mathbf{V} $	Class 1: Existing Facilities		15301	1684.1	
		Class 2: Replacement or Reconstruction		15302		
		Class 3: New Construction/Conversion of Small Structures		15303		
	$\overline{\mathbf{V}}$	Class 4: Minor Alterations to Land		15304	1684.2	
		Class 7: Protection of Natural Resources		15307		
		Class 8: Protection of the Environment		15308		
		Class 11: Accessory Structures		15311		
		Class 21: Enforcement Actions to revoke a permit		15321		
		Class 30: Minor Actions to Prevent, Minimize, Stabilize, Mitigate, or Eliminate a Release (Actual or Threat) of Hazardous Substances (Waste or Material)		15330		
		Class 33: Small Habitat Restoration Projects		15333		
	General Exemption ("common sense")			15061 (b)(3)		
	Not a	"Project" subject to CEQA		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 CalGEM's determination that the project is exempt from the requirements of CEQA is provided in the brief explanation below.

Class 1 – Existing Facilities (14 CCR §§ 15301, 1684.1): Class 1 exemption applies as CalGEM's regulations state: "Class 1 consists of the operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use beyond that existing previously. The Class includes, but is not limited to: remedial, maintenance, conversion, and abandonment work on oil, gas, injection, and geothermal wells...". This rework can be considered maintenance of the wells in order to ensure continued operation by replacing existing, similar equipment (perforations, etc.). Specifically, the purpose of the rework is to conduct maintenance to ensure continued operations by conducting selective perforations and Step Rate Tests. The rework constitutes minor alterations to existing wells and does not propose any changes to the wellbore or structure of the wells. Equipment to conduct the rework operations will use existing roads and will be deployed on existing oilfield pads, with no new surface disturbance. Once the rework is completed the wells will return to service for oil and gas operation. Therefore, there is only negligible or no expansion of existing use beyond that existing.

Class 4 – Minor Alterations to Land (14 CCR §§ 15304, 1684.2): Class 4 exemption applies to "drilling operations that result only in minor alterations with negligible or no permanent effects to the existing condition of the land, water, air, and/or vegetation". The proposed project involves minor alterations, such as selective perforations and Step Rate Tests, on two existing wells conducted entirely on existing pads with enough space to contain all equipment. The project does not involve the construction of permanent facilities, the expansion of existing facilities, or the disturbance of ground surface. The proposed project is located within an

industrial area and the operator will utilize existing roads, powerlines, and production infrastructure.

## 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, reliance on these exemptions is appropriate.

Consistent with the purposes of Public Resources Code § 3250 et seq and the documentation available for the preliminary review, the proposed project will benefit the environment. In addition, the work under the contracts and any resulting impacts will be temporary in duration. Therefore, the project can be considered exempt from the need for full CEQA review.

A copy of this NOE (as required by 14 CCR § 15062(a)) and all other related materials are available for public inspection at CalGEM's CEQA Program, located at 715 P Street, 18th floor, Sacramento, CA 95814; or an electronic copy of these documents may also be accessed online at the State Clearinghouse: https://ceqanet.opr.ca.gov

Certified: \_\_\_\_\_ Date: 06/04/2024

California Geologic Energy Management Division CEQA Program