

Tehachapi Uplands Multiple Species Habitat Conservation Plan



PREPARED FOR
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WITH TECHNICAL ASSISTANCE FROM
U.S. Fish and Wildlife Service
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

FINAL

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MULTIPLE SPECIES
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ABSTRACT

The intent of this Tehachapi Uplands Multiple Species Habitat Conservation Plan (TU MSHCP) is to meet the requirements for a U.S. Fish and Wildlife Service (USFWS) Section 10(a)(1)(B) Incidental Take Permit (ITP) for 25 Covered Species, including the California condor (*Gymnogyps californianus*). The requested term of the ITP is 50 years. The Covered Lands occur in Kern County and would encompass 141,886 acres of the 270,365-acre Tejon Ranch. The TU MSHCP is designed primarily to preclude development and protect as open space in perpetuity 91% of the Covered Lands (including the whole of an identified Condor Study Area and 12,795 acres of Existing Conservation Easement Areas conveyed in March 2011 per the Ranchwide Agreement).

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DEFINITIONS

Commercial and Residential Development Activities. Planned future community development in the Covered Lands, sometimes referred to as “commercial and residential Covered Activities” and are Covered Activities further described in *Section 2, Plan Description and Activities Covered by Permit*.

Condor Critical Habitat: 605,190 acres in California; 127,774 acres within Tejon Ranch, 95,068 acres in Covered Lands. Critical habitat is defined in Section 3(5) of the Federal Endangered Species Act.

Condor HCP Alternative: Alternative considered by Tejon Ranchcorp (TRC), and depicted in *Figure 10-1, Proposed TU MSHCP & Condor Only HCP Alternative*, that would result in the issuance of an ITP covering only the California condor as originally proposed in 2004 and full implementation of the Ranchwide Agreement. This alternative would not include the comprehensive protective measures that would apply to all of the Covered Species in the Proposed MSHCP Alternative. Development and open space preservation would be consistent with those elements described in the Proposed TU MSHCP Alternative.

Condor Study Area: 37,100 acres in the Covered Lands, also referred to as the Tunis and Winters Ridge area, located in the Tehachapi Mountain Uplands.

Covered Activities: Certain activities (commercial and residential development, Development Activities, and Plan-Wide Activities) carried out or conducted by permittees within the Covered Lands, and described in *Section 2* of the TU MSHCP, that may result in the incidental take of wildlife Covered Species and effects to plant Covered Species for which an ITP is sought.

Covered Lands: The 141,886-acre area located in Tejon Ranch in which the Covered Activities would occur, depicted in *Figure 1-4, Relationship to Ranchwide Agreement*.

Covered Species: The 25 species (including the California condor) to be covered under an ITP issued by USFWS that will be conserved by the TU MSHCP when the TU MSHCP is implemented. The 25 Covered Species are listed in *Table 1-1, TU MSHCP Covered Species*, and include wildlife Covered Species and plant Covered Species. The California condor is described in *Section 4, California Condor*. The remaining 24 species are sometimes referred to as Other Covered Species and are described in *Section 5, Other Covered Species*; *Section 6, Potential Biological Impacts/Take Assessment*; and *Section 7, Conservation Plan for Other Covered Species*.

Development Envelope: Because the TU MSHCP allows flexibility in locating development activities in order to avoid resources, the exact location of the development footprint proposed under the TU MSHCP has not yet been determined. However, the TU MSHCP permits siting of the eventual development footprint within particular areas, and therefore a development envelope

has been defined as the larger area within which eventual development may be located. The TMV Planning Area development envelope includes a 7,860-acre area in the TMV Specific Plan Area (within which the 5,252 acres of development in the Kern County–approved TMV project may be sited), as well as the 170 acres of development in the West of Freeway area and a 506-acre development envelope area in Oso Canyon, within which development would be allowed under the Ranchwide Agreement (although no development is planned for this area). Combined with the 265 acres of development proposed for the 410-acre Lebec/Existing Headquarters Area, and 16 acres for operations and expansion of the Tejon-Castac Water District turnout in Bear Trap Canyon, the total size of the development envelope is 8,817 acres. The development disturbance footprint in this envelope is limited to 5,533 acres. Although the development envelope area exceeds the actual disturbance area proposed, the larger area of the development envelope is used to analyze biological impacts conservatively.

Disturbance Area: The term “disturbance area” refers to the actual disturbance footprint of proposed development under the TU MSHCP. Although the precise footprint of the development is not yet determined, because the TU MSHCP provides flexibility to avoid sensitive resources, the disturbance area would include disturbance of up to 5,252 acres in the TMV Planning Area; 265 acres in the Lebec/Existing Headquarters Area; and 16 acres to operate and/or expand the Tejon-Castac Water District facilities, for a total of 5,533 acres of disturbed areas. Note also that the TU MSHCP also envisions disturbance associated with Plan-Wide Activities (see below) that may include approximately 200 acres of disturbance.

Established Open Space: Established Open Space includes 93,522 acres within Covered Lands that will be conserved under the TU MSHCP in perpetuity, and will be recorded as development is phased in.

Existing Conservation Easement Areas: 12,795 acres of Covered Lands currently (as of March 2011) in conservation easement per Ranchwide Agreement.

Implementing Agreement: Agreement between the permittee and USFWS clarifying the duties, obligations, and procedures that apply under the TU MSHCP.

Interim Ranch-Wide Management Plan (Interim RWMP): The Interim RWMP was adopted in 2009 and serves as the basis for the preparation of the revised RWMP, which will govern management of activities in areas covered by the Ranchwide Agreement to be managed by the Tejon Ranch Conservancy (the Established Open Space and the Existing Conservation Easement Areas). The Conservancy is required to develop and adopt a revised RWMP on or before June 2013, and is now in the process of identifying baseline conditions and prescribing refined best management practices for conservation activities and ongoing ranch uses, such as soil and water conservation, erosion control, grazing management, pest management, nutrient management, wildlife management, public access program, water quality and habitat protection—all to

“preserve and enhance” the conservation values already present (see Ranchwide Agreement, Appendix A, Section 3.3).

Incidental Take Permit (ITP): Permit issued by USFWS authorizing take of Covered Species under Section 10 of the Federal Endangered Species Act.

Initial Mitigation Lands: The portion of the TU MSHCP mitigation lands that includes the Condor Study Area portion of the Established Open Space, depicted on *Figure 1-3, Proposed TU MSHCP Mitigation Lands*, and portions of the TMV Planning Area Open Space, on which conservation easements or similar legally binding restrictions are required to be recorded prior to commencement of grading of the TMV project, in accordance with the Implementing Agreement.

Kern County General Plan Buildout Alternative: Alternative considered by TRC and depicted in *Figure 10-2, Kern County General Plan Buildout Alternative*, that does not assume full implementation of the Ranchwide Agreement, and includes only the permanent protection of the already-recorded conservation easements on the Existing Conservation Easement Areas. This alternative would include approximately 34,130 acres of permanently preserved open space within the Covered Lands, including 12,795 acres of Existing Conservation Easement Areas and 21,335 acres of permanent open space required by the TMV Project Approvals. Development would result in approximately 7,238 dwelling units and 2,144,810 square feet of commercial development.

Lebec/Existing Headquarters Area: A 410-acre component of the TU MSHCP Covered Lands adjacent to the TMV Planning Area proposed to include 265 acres of disturbance and 145 acres of undeveloped area.

No Action Alternative: Alternative considered by TRC that assumes that the proposed issuance of an ITP would not occur, that the Ranchwide Agreement remains in effect, that development of the TMV project and other future commercial or residential development allowed within the Covered Lands will not occur, and that existing ranch uses will continue at current levels into the future.

Non-Permanent Effects: Non-permanent effects are those involving ground disturbance resulting in non-permanent loss of habitat, such as livestock grazing and range management activities; film production; maintenance and construction of underground utilities; recreation, with the exception of hunting; continued use of existing structures; farming and irrigation systems; and repair, maintenance, and use of roads. Non-permanent effects include those that are of short duration, such as construction and maintenance activities; of a cyclical nature, such as ranching activities and grazing, which may shift in location on a seasonal basis; or of longer duration, such as ground disturbance that is returned to pre-disturbance conditions (e.g., reclaimed by natural vegetation). These effects also include effects to non-habitat areas that do not cause habitat loss of any kind (e.g., repair of existing roads or uses of existing buildings).

Open Space: The term “open space” refers to the areas of the Covered Lands not subject to development under the TU MSHCP. The open space under the TU MSHCP consists of 129,318 acres (or 91%) of the Covered Lands, including 93,522 acres of Established Open Space; 23,001 acres of TMV Planning Area Open Space (collectively; 116,523 acres are TU MSHCP Mitigation Lands); and 12,795 acres of Existing Conservation Easement Areas.

Oso Canyon: Oso Canyon includes 1,666 acres located in the TMV Planning Area.

Other Covered Species: The term “other Covered Species” refers to the 26 species proposed for coverage under the ITP, exclusive of the California condor. See definition of “Covered Species.”

Other Lands: “Other Lands” consist of 6,890 acres of the Covered Lands, including existing mining leases within the National Cement and La Liebre mine areas totaling about 2,636 acres, the Bakersfield National Veterans Cemetery occupying about 384 acres, and private inholdings within Covered Lands not owned by TRC (“Not a Part” areas) totaling 3,870 acres.

Permanent Effects: Permanent effects are those involving ground disturbance resulting in permanent loss of habitat, such as grading and/or land alteration for residential, commercial, or resort development or other land development activities. Permanent effects may result in direct effects, such as direct loss of habitat, as well as indirect effects associated with introduction of permanent new uses (e.g., land development and mineral extraction) in proximity to habitat and species.

Plan-Wide Activities. Plan-Wide Activities include activities in open space, such as ongoing ranch uses and certain development-related future uses (minor access roads/utilities), as well as mitigation, monitoring, and management activities that are Covered Activities further described in *Section 2*.

Primary Habitat: Primary habitat is the main use area for a particular species within which breeding may occur and that meets many or most of the species’ life history requirements.

Project Biologist: “Project biologist” is the term used to describe the biologist used to perform project-specific duties related to development as described in Section 7 of the TU MSHCP. The project biologists may be hired and paid for by the developer, but they are under the direct control of the Tejon Staff Biologist for purposes of implementing the TU MSHCP, as described under the definition of “Tejon Staff Biologist” below.

Proposed MSHCP Alternative: Alternative considered by TRC and depicted in *Figure 10-1* that assumes that an ITP will be issued for all Covered Species and Covered Activities on Covered Lands, and that the Ranchwide Agreement would be fully implemented. Development would occur only in the TMV Planning Area and the Lebec/Existing Headquarters Area, and the total amount of Covered Activity development would include 3,632 dwelling units and 1,804,390 square feet of commercial development.

Ranchwide Agreement: Tejon Ranch Conservation and Land Use Agreement (TRC et al. 2008). Private agreement between TRC and several resource organizations (defined below) that governs conservation and development on the ranch. Provides for permanent protection of up to 240,000 acres (90%) on ranch lands, including up to 106,317 acres (75%) in the Covered Lands. If development proceeds, additional portions of the Covered Lands in the developed areas would also be subject to permanent protection. Also provides restrictions on Plan-Wide Activities so as to protect conservation values while continuing ranch operations.

Ranch-Wide Management Plan (RWMP): A plan governing the management of lands on the areas of the ranch to be managed by the Tejon Ranch Conservancy pursuant to the Ranchwide Agreement and that includes prescribed management standards to ensure that existing natural resource and conservation values of the ranch are protected while existing ranch uses remain ongoing. The RWMP identifies best management practices for existing ranch uses consistent with preserving and protecting conservation values as provided in the Ranchwide Agreement. Per the terms of the Ranch-Wide Agreement, an Interim RWMP was adopted by the Tejon Ranch Conservancy in 2009.

Remaining Mitigation Lands: The portion of the TU MSHCP mitigation lands upon which conservation easements are to be recorded after preservation of the initial mitigation lands. This area includes portions of the TMV Planning Area Open Space and areas of the Established Open Space outside of the Condor Study Area, as depicted on *Figures 1–3*, on which a conservation easement is required to be recorded prior to the end of the permit term, in accordance with the Implementing Agreement.

Resource Groups: Parties to the Ranchwide Agreement with TRC, consisting of the Sierra Club, National Audubon Society (doing business as Audubon California), Natural Resources Defense Council, Planning and Conservation League, and Endangered Habitats League.

Secondary Habitat: Secondary habitat is use area(s) associated with certain life history requirements of a particular species outside primary habitat, such as areas for foraging, roosting, aestivating, migrating, or wintering.

Suitable Habitat: Modeled habitat for the Covered Species as identified in *Table 1-1* of the TU MSHCP. The modeled suitable habitat represents locations within the Covered Lands with habitat characteristics that could support the life history requirements of the particular species. The identified species are not documented to occur within all the modeled suitable habitat within the Covered Lands; however, for purposes of analysis of the Covered Species, it is assumed that all modeled suitable habitat for a particular species could support the species. Input and criteria used to develop the suitable habitat models are presented in *Section 5*.

Tejon Mountain Village Environmental Impact Report (EIR): The Draft EIR and Final EIR approved on October 5, 2009, by the Kern County Board of Supervisors for the TMV project.

Tejon Ranch (or ranch): The 270,365-acre area located approximately 60 miles north of Los Angeles and 30 miles south of Bakersfield, California.

Tejon Ranch Company: A Delaware corporation, parent of the landowner and applicant, Tejon Ranchcorp.

Tejon Ranch Conservancy (or Conservancy): A nonprofit public benefit corporation, which was established in 2008 for the protection and stewardship of these open space lands and the development and implementation of resource management and enhancement programs at the ranch, per provisions of the Ranchwide Agreement.

Tejon Ranchcorp (TRC): Applicant for ITP; landowning subsidiary of Tejon Ranch Company.

Tejon Staff Biologist: A permanent staff member or contracted consultant retained by the permittee to carry out duties as described in *Sections 4 and 7*, and *Section 8, Changed Circumstances and Plan Implementation*, of the TU MSHCP, including the condor-specific measures described in *Section 4*; the project-specific duties related to development, described as “project biologist duties” in *Section 7* of the TU MSHCP; and the duties related to changed circumstances in *Section 8*. The Tejon Staff Biologist is responsible for activities, including but not limited to maintaining and updating baseline data, mapping, implementing condor-specific measures, monitoring, coordinating education, and enforcing and preparing the annual report as discussed in Section 4.4.3.5. This work may be completed by other qualified project biologists under contract to the Tejon Staff Biologist or proponents for Covered Activities, but all work shall be submitted to the Tejon Staff Biologist for inclusion in the annual report. The Tejon Staff Biologist shall be approved by USFWS. Other project biologists must have experience in biology, botany, or a similar field; must be familiar with the local vegetation communities; and must have verifiable experience performing similar types of environmental monitoring and reporting.

TMV Planning Area: The TMV Planning Area comprises 28,253 acres with three components: the TMV Specific Plan Area (26,417 acres), the West of Freeway area (170 acres), and the Oso Canyon area (1,666 acres). The TMV Planning Area incorporates 5,252 acres of development, including 170 acres of development in the West of Freeway area and a 5,082-acre disturbance area that would be sited flexibly within an 8,366-acre development envelope (7,860 acres in the TMV Specific Plan Area and 506 acres in Oso Canyon).

TMV Planning Area Open Space: TMV Planning Area Open Space includes 23,001 acres within the TMV Specific Plan Area and Oso Canyon portions of Covered Lands that will be conserved under the TU MSHCP.

TMV Project: Low-density development located in the TMV Specific Plan Area, approved by the Kern County Board of Supervisors on October 5, 2009, that would include 3,450 residences,

up to 160,000 square feet of commercial development, two golf courses, an equestrian center, up to 750 hotel rooms, and up to 350,000 square feet of support uses.

TMV Project Approvals: Refers to General Plan amendments, TMV Specific Plan county approval, Draft and Final EIR, EIR certification, Mitigation Monitoring and Reporting Program, and staff reports, all approved by the Kern County Board of Supervisors for the TMV project.

TMV Specific Plan Area: 26,417 acres of the TMV Planning Area located in the southwest portion of the Covered Lands. Includes the low-density TMV project.

TU MSHCP Mitigation Lands: 116,523 acres consisting of Established Open Space (93,522 acres) and 23,001 acres of TMV Planning Area Open Space.

West of Freeway: “West of Freeway” includes 170 acres west of Interstate 5, located in the TMV Planning Area.

Wetlands: The federal Clean Water Act defines wetlands as:

Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (33 CFR 328.1 et seq.).

The U.S. Army Corps of Engineers’ wetlands delineation manual (ACOE 1987) identifies the three requisite characteristics of a Section 404 jurisdictional wetland:

- Hydrophytic vegetation: more than 50% of dominant plants are adapted to anaerobic soil conditions
- Hydric soils: soils classified as hydric or that exhibit characteristics of a reducing soil environment
- Wetland hydrology: inundation or soil saturation during at least 5% of the growing season (in Southern California, this is equal to 18 days).

In general, all three parameters must be met by field indicators. Wetlands may be identified based on the presence of fewer than three parameters when one or more parameters is absent due to normal seasonal variation in environmental conditions (“Problem Areas”), or due to recent human activities (“Atypical Situations”).

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ACRONYMS AND ABBREVIATIONS

ACOE	U.S. Army Corps of Engineers
amsl	above mean sea level
AOU	American Ornithologists' Union
BCC	U.S. Fish and Wildlife Service Bird of Conservation Concern
BLM	Bureau of Land Management
BMP	best management practice
BGEPA	Bald and Golden Eagle Protection Act
CC&Rs	Covenants, Conditions, and Restrictions
CDF	California Department of Forestry & Fire Protection Sensitive
CDFG	California Department of Fish and Game
CDFW	California Department of Fish and Wildlife ¹
CESA	California Endangered Species Act
CEQA	California Environmental Quality Act
CFO	Chief Financial Officer
CFR	Code of Federal Regulations
CNDDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CWA	Clean Water Act
Conservancy	Tejon Ranch Conservancy
DDE	dichlorodiphenyldichloroethylene
DDT	dichloro-diphenyl-trichloroethane
DOE	Department of Energy
DWR	Department of Water Resources
EA	Environmental Assessment
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
FAA	Federal Aviation Administration
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FONSI	finding of no significant impact
FP	CDFW fully protected
FPP	Fire Protection Plan
FR	Federal Register
FS	U.S. Forest Service Sensitive
GIS	geographical information system

¹ As of January 1, 2013, the California Department of Fish and Game (CDFG) changed its name to the California Department of Fish and Wildlife (CDFW). This document reflects the name change, except in reference citations where the document was published prior to January 1, 2013; in these instances, the acronym "CDFG" is used.

GPS	global positioning system
HCP	habitat conservation plan
HIS	habitat suitability index
HOA	homeowners association
I-5	Interstate 5
ITP	Incidental Take Permit
MBTA	Migratory Bird Treaty Act
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
NEPA	National Environmental Policy Act
NPDES	National Pollutant Discharge Elimination System
NRC	National Research Council
NWR	National Wildlife Refuge
PVC	polyvinyl chloride
RMP	Resource Management Plan
RWMP	Ranch-Wide Management Plan
RWQCB	Regional Water Quality Control Board
SCE	state candidate for listing as endangered
SCT	state candidate for listing as threatened
SE	state listed as endangered
SHPO	State Historic Preservation Office
SR	State Route
SSC	CDFW Species of Special Concern
ST	state listed as threatened
SWPPP	stormwater pollution prevention plan
TCWD	Tejon-Castac Water District
TMV	Tejon Mountain Village
TRC	Tejon Ranchcorp
TRCC	Tejon Ranch Commerce Center
TU MSHCP	Tehachapi Uplands Multiple Species Habitat Conservation Plan
USDA	U.S. Department of Agriculture
USFS	U.S. Department of Agriculture, Forest Service
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey

VA Veterans Administration

WL CDFW Watch List

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