DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE PERMIT

2. AUTHORITY-STATUTES
16 USC 1539(a)
16 USC 1533(d)

REGULATIONS
50 CFR 17.22
50 CFR 17.32

50 CFR 13

1. PERMITTEE

TEJON RANCHCORP.
4436 LEBEC ROAD
LEBEC, CA 93243
U.S.A.

3. NUMBER
TE198636-0

4. RENEWABLE
☒ YES
☐ NO

5. MAY COPY
☒ YES
☐ NO

6. EFFECTIVE

7. EXPIRES

8. NAME AND TITLE OF PRINCIPAL OFFICER *(If #1 is a business)*
JOSEPH E DREW
SENIOR VICE PRESIDENT

9. TYPE OF PERMIT
NATIVE ENDANGERED & THREATENED SP. HABITAT CONSERVATION PLAN - E & T WILDLIFE

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED
Approximately 145,000 acres of Tejon Ranchcorp lands in Kern County, California.

11. CONDITIONS AND AUTHORIZATIONS:

A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.

B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL, TRIBAL, OR OTHER FEDERAL LAW.

C. VALID FOR USE BY PERMITTEE NAMED ABOVE.

D. Further conditions of authorization are contained in the attached Special Terms and Conditions.

Special Terms and Conditions for Permit TE-198636

1. The authorization granted by this Permit is subject to Tejon Ranchcorp's (Permittee) full and complete compliance with and implementation of the "Tehachapi Uplands Multiple Species Habitat Conservation Plan" (TUMSHCP), dated April 2013, and the associated Implementing Agreement (IA), which are hereby incorporated by reference as terms and conditions of this Permit. The take avoidance, minimization, and mitigation measures contained in the TUMSHCP and required under this Permit are summarized in Tables 1 and 2 of the biological opinion on proposed permit issuance (U.S. Fish and Wildlife Service consultation number 8-8-12-FW-55). This Permit, including the TUMSHCP and the IA, are binding upon the Permittee, and any authorized officer, employee, contractor, or agent conducting the Covered Activities as described in the TUMSHCP and IA. All of the terms and conditions in this Permit are non-discretionary and must be undertaken for this authorizations under section 10(a)(1)(B) of the Endangered Species Act (ESA or Act) to apply.

2. The Permit is for a term of 50 years.

☒ ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

ISSUED BY

TITLE
DEPUTY REGIONAL DIRECTOR

DATE
APR 29 2013

3. *Attachment 1* lists all species covered by the Permit and the amount of take authorized under the Permit. Take authorization will become effective for all covered animal species that are currently listed under the Endangered Species Act, upon written notification from the Permittee to the U.S. Fish and Wildlife Service (Service) that either (1) the Service-approved Tejon Staff Biologist has been hired; or (2) if Permittee elects to defer hiring of the Tejon Staff Biologist until construction of the TMV development project commences, a "qualified third party," previously approved in writing by the Service, has been hired to carry out the duties of the Tejon Staff Biologist described in section 4.4.3.5 of the TUMSHCP. For each of the remaining animal species listed in *Attachment 1* that are not listed as threatened or endangered under the Act, this Permit will become effective concurrent with the listing of the species as threatened or endangered by the Act, to the extent that their take is prohibited by the Act. Take authorized under this Permit must be incidental to otherwise lawful Covered Activities within the Covered Lands as described and defined by the TUMSHCP and IA and further conditioned herein.

Because take of plants is not prohibited under the Act, incidental take cannot be authorized under this Permit. Plant Species included in the Permit (*Attachment 1*) are named in recognition of the conservations benefits provided for such plants in the TUMSHCP and IA and will receive those assurances identified in the IA conditioned on the Permittee's full and complete implementation of the TUMSHCP and IA.

4. All Tejon Staff Biologist duties identified in the TUMSHCP shall be carried out by either the Tejon Staff Biologist, or by the "qualified third party" identified in term and condition 3 above until such time as the Tejon Staff Biologist is hired in accordance with the TUMSHCP. As used in this Permit, "Tejon Staff Biologist" and "qualified third party" includes all additional "project biologists" assigned to carry out any of the duties assigned to the Tejon Staff Biologist under the TUMSHCP. All such additional project biologists must be under the direct control of the Tejon Staff Biologist or the "qualified third party" for purposes of implementing the TUMSHCP and Permit. All additional 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. Permittee is legally responsible for implementation of the TUMSHCP, including all activities assigned to the Tejon Staff Biologist under the TUMSHCP.

5. Permittee is required to fully fund implementation of the TUMSHCP in accordance with Section 9 of the TUMSHCP. Prior to January 31 of each full year the Permit is in effect, the Permittee's Chief Financial Officer (CFO) will deliver to the Service a budget and scope of work outlining all components of the TUMSHCP to be implemented during the next calendar year, accompanied by a certification that funds required to fully implement the TUMSHCP in the upcoming year have been budgeted, approved, and are available for expenditure. The initial budget, scope of work and certification shall be submitted to the Service within 90 days of permit issuance.

To cover the costs of any future recovery action undertaken by the Service under the terms of the TUMSHCP, as additional funding assurance, Permittee shall enter into a reimbursable agreement with the Service within 90 days of Permit issuance to cover the estimated costs of capture, care and translocation of a habituated condor as described in Section 9 of the TUMSHCP, unless an extension of time is granted by the Service due to agency resource constraints. Such reimbursable agreement shall be guaranteed by a concurrently issued rolling letter of credit or other security approved in writing by the Service. If the Service determines to undertake a recovery action to remove a habituated condor under the terms of the TUMSHCP, Permittee shall fund all costs associated with the capture and translocation of the bird. Permittee shall also fund the costs of medical care, if required, and all costs associated with the care of the bird for the term of its stay in captivity.

Take of California condor is limited to the take of four individuals through habituation. No lethal take of condors is authorized by this Permit.

6. All sections of title 50 Code of Federal Regulations (CFR), parts 13, 17.22, and 17.32 are incorporated as terms and conditions of this Permit. The current version of these regulations is provided in *Attachment 2*.

7. This Permit shall constitute a Special Purpose Permit under 50 CFR section 21.27, for the take of Covered Species listed under the Act that are also listed under the Migratory Bird Treaty Act (MBTA; 16 U.S.C. §§703-712), in the amount specified in Attachment 1, subject to terms and conditions specified herein. The take of any of these listed birds as the result of any Covered Activity carried out in accordance with the Permit will not constitute a violation of the MBTA. Such Special Purpose Permit shall be valid for a period of three years from the effective date of this Permit, provided this Permit remains in effect for such period. Such Special Purpose Permit shall be renewed without application for so long as this Permit remains in effect. Each such renewal shall be valid for the maximum period of time allowed under 50 C.F.R. Section 21.27 or its successor at the time of renewal. This Permit shall also constitute Special Purpose Permits under the MBTA and 50 C.F.R. 21.27 for each of the unlisted MBTA Covered Species that may become listed under the ESA during the term of the Section Permit. Such Special Purpose Permit shall become effective concurrent with the listing of the MBTA Covered Species under the ESA.

8. The take authorization granted by this Permit does not address or affect Permittee's independent obligation to comply with other applicable

Federal, State and local laws, including the California Endangered Species Act and the State of California's Fully Protected Species statutes. Fully Protected Species listed on the Permit as Covered species are: California condor, golden eagle, bald eagle, white tailed kite and American peregrine falcon.

9. Permittee shall contact the Field Supervisor at the Ventura Fish and Wildlife Office immediately regarding any violations or potential violations of the Act or MBTA: U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, CA (telephone: 805-644-1766).

10. In addition to the specific notification requirements in the TUMSHCP, Permittee shall also within 1 working day of finding any dead, injured, or sick listed species, orally notify the Service's Ventura Fish and Wildlife Office at 805-644-1766. Written notice to the Ventura Fish and Wildlife Office Field Supervisor and the Division of Law Enforcement, 370 Amapola Avenue, Suite 114, Torrance, California 90501, must be made within 5 calendar days and must include the date, time, and location of the specimen and any other pertinent information.

In addition to the requirements above, the following reporting measures are required for bald and golden eagle: Permittee shall contact the Service's Division of Law Enforcement in Torrance (see above for address), and the Service's migratory bird permit office at 916-414-6464 to report any bald eagle or golden eagle found dead or injured as soon as possible, but no later than 48 hours after discovery. The Service law enforcement agent will provide instructions on collection and disposition of the eagle carcass.

11. A copy of the Permit must be on file in the possession of Permittee and Third Parties under Permittee's direct control, while conducting Covered Activities. Please refer to the Permit Number in all correspondence and reports concerning Permit activities. Any questions Permittee may have about this Permit should be directed to the Field Supervisor at the Ventura Fish and Wildlife Office.

12. Permittee shall submit Annual Reports described in Section 9.1 of the IA to the Service by January 31 of each year with the first annual report due January 31, 2014. A copy of the Annual Report shall be submitted to the Field Supervisor, U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, CA (telephone: 805-644-1766) and one copy shall be submitted to the Section 10 Coordinator at the U.S. Fish and Wildlife Service, Pacific Southwest Region, 2800 Cottage Way, Room W-2606, Sacramento, CA 95825.

13. As described in Section 9.2 of the IA, Permittee shall provide within 30 days of being requested by the Service, any additional information in its possession or control related to the implementation of the TUMSHCP that is requested by the Service for the purpose of assessing whether the terms and conditions of the Permit and TUMSHCP are being fully implemented.

14. In accordance with Section 9.4 of the IA, Permittee shall allow entry onto the Covered Lands by agents and employees of the Service engaged in and for the purpose of (1) ensuring compliance with the permit, or the laws and regulations applicable to the Permittee, or (2) undertaking any activities that are necessary to protect the Covered Species identified in the TUMSHCP.

15. To enable the Service to meet our obligations under the National Historic Preservation Act, including consultation with the State Historic Preservation Officer, as warranted, Permittee shall implement the cultural resources measures identified at Section 4.5.3.2 of the Final Environmental Impact Statement for the TUMSHCP and summarized in *Attachment 3* and shall promptly notify the Service of the results of its investigations.

Attachment 1 - Species Covered by the Tehachapi Uplands Multispecies HCP and Take Authorized by TE-198636

COMMON NAME	SCIENTIFIC NAME	PERMITTED TAKE*
Endangered		

California condor	*Gymnogyps californianus*	Non-lethal take of 4 individuals due to habituation
Least Bell's vireo	*Vireo bellii pusillus*	No take is anticipated or authorized
Southwestern willow flycatcher	*Empidonax traillii extimus*	8 acres (ac) modeled suitable habitat due to Development; 2 ac modeled suitable habitat due to Planwide Activities
Covered Animals, Not Listed		
Western spadefoot	*Spea hammondii*	30 ac modeled suitable habitat due to Development; 2 ac modeled suitable habitat due to Planwide Activities
Tehachapi slender salamander	*Batrachoseps stebbinsi*	143 ac modeled suitable habitat due to Development; 6 ac modeled suitable habitat due to Planwide Activities
Yellow-blotched salamander	*Ensatina eschscholtzii crocreator*	1,179 ac modeled suitable habitat due to Development; 51 ac modeled suitable habitat due to Planwide Activities
Coast horned lizard	*Phrynosoma coronatum*; sspp. *frontale* and *blainvillei*	3,962 ac modeled suitable habitat due to Development; 56 ac modeled suitable habitat due to Planwide Activities; and 365 lizards/year (or 25 lizards/year observed as a surrogate indicator) due to Planwide Activities and indirect effects of Development
Two-striped garter snake	*Thamnophis hammondii*	34 ac modeled suitable habitat due to Development; 1 ac modeled suitable habitat due to Planwide Activities; and 19 snakes/year (or 7 snakes/year observed as a surrogate indicator) due to Planwide Activities and indirect effects of Development
White-tailed kite	*Elanus leucurus*	No take is anticipated or authorized
Bald eagle	*Haliaeetus leucocephalus*	No take is anticipated or authorized
Golden eagle	*Aquila chrysaetos*	No take is anticipated or authorized
American Peregrine falcon	*Falco peregrinus anatum*	No take is anticipated or authorized
Western yellow-billed cuckoo	*Coccyzus americanus occidentalis*	No take is anticipated or authorized
Burrowing owl	*Athene cunicularia*	3 owls/year (or 2 owls/year observed as a surrogate indicator) due to Planwide Activities and indirect effects of Development
Little willow flycatcher	*Empidonax traillii brewsteri*	No take is anticipated or authorized
Purple martin	*Progne subis*	5 birds/year (or 3 birds/year observed as a surrogate indicator) due to Planwide Activities and indirect effects of Development

Yellow warbler	*Dendroica petechia brewsteri*	8 ac modeled primary habitat due to Development; 2 ac modeled primary habitat due to Planwide Activities; and 5 birds/year (or 2 birds/year observed as a surrogate indicator) due to Planwide Activities and indirect effects of Developmen
Tricolored blackbird	*Agelaius tricolor*	23 ac modeled breeding habitat due to Development; 1 ac modeled breeding habitat due to Planwide Activities; and 7 birds/year (or 3 birds/year observed as a surrogate indicator) due to Planwide Activities and indirect effects of Development
Tehachapi pocket mouse	*Perognathus alticola inexpectatus*	57 ac of modeled suitable habitat due to Development; and 2 mice/year (or 1 mouse/year observed as a surrogate indicator) due to Planwide Activities and indirect effects of Development
Covered Plants		
Fort Tejon woolly sunflower	*Eriophyllum lanatum* var. *hallii*	Because take of plants is not prohibited under section 9 of the Act, the take of plants is not authorized by this Permit
Kusche's sandwort	*Arenaria macradenia* var. *kuschei*	Because take of plants is not prohibited under section 9 of the Act, the take of plants is not authorized by this Permit
Round-leaved filaree	*California* (*Erodium*) *macrophyllum*	Because take of plants is not prohibited under section 9 of the Act, the take of plants is not authorized by this Permit
Striped adobe lily	*Fritillaria striata*	Because take of plants is not prohibited under section 9 of the Act, the take of plants is not authorized by this Permit
Tehachapi buckwheat	*Eschscholzia lemmonii* ssp. *kernensis*	Because take of plants is not prohibited under section 9 of the Act,the take of plants is not authorized by this Permit
Tejon poppy	Eschscholzia lemmonii ssp. kernensis	Because take of plants is not prohibited under section 9 of the Act, the take of plants is not authorized by this Permit.

*Where take is specified in terms of acres of habitat, take of all individual animal Covered Species found within the acreage specified is authorized.

***Attachment 2* - Title 50 CFR Parts 13, 17.22 and 17.32 (see attachments)**

***Attachment 3* - Cultural Resources**

Permittee shall:

1. Protect Identified Significant Cultural Resources in Development Areas.
All cultural resources in and adjacent to Development Area as identified in the Cultural Resources Survey Reports (W&S Consultants 2004, 2005, and 2006; ASM Affiliates 2010) determined eligible for the NRHP through consultation with the State Historic Preservation Office (SHPO) will be avoided/protected in place, or if necessary, mitigated through data retrieval, all in consultation with a qualified archaeologist and SHPO as necessary.

2. Conduct Pre-Ground Disturbance Survey in Open Spaces Areas not Previously Surveyed. Prior to grading activities associated with Plan-Wide Activities in areas that have not previously been surveyed, a qualified archaeologist will conduct a survey of the Disturbance Area in order to identify sensitive archaeological resources. Effects on identified resources will be avoided by relocating the disturbance, minimized through protection of sensitive resources in place, or, if necessary, mitigated through data retrieval, all in consultation with a qualified archaeologist and SHPO as necessary.

3. Prior to grading activities, all earthmoving and excavation contractor employees will attend a "tailgate" session informing them of the potential for inadvertently discovered cultural resources and/or human remains, and protection measures to be followed to prevent destruction of any and all cultural resources discovered on site (including the measures noted above and in compliance with California Health and Safety Code Section 7050.5).

4. Conduct Paleontological Resources Monitoring During Excavations around Castac Lake.
A qualified professional vertebrate paleontologist with regional experience will monitor all excavations in areas around Castac Lake with Pleistocene sediments. If paleontological resources are exposed by excavation, work will be redirected and the paleontologist will assess the find for potential significance and determine the appropriate recovery requirements.

5. Comply with Applicable Federal, State, and Local Cultural Resources Protection Requirements. All development within the Plan Area would comply with Federal, State, and local requirements, including completion of SHPO consultation, as relevant, and/or compliance with CEQA and other state and local laws. Site-specific minimization measures will be identified at the time that development is proposed through the planning review process. This compliance process would entail the following:

(a) Conducting pre-ground-disturbance surveys;
(b) Evaluating resources;
(c) Consulting with SHPO through the National Historic Preservation Act requirements or California Environmental Quality Act requirements, as applicable;
(d) Applying avoidance and minimization measures on a case-by-case basis to ensure that potential effects are addressed; and
(e) Halting work in the case of an inadvertent discovery and consulting with the appropriate agency (SHPO, coroner, Native American tribe, as required).