

## 2.1 Introduction

This section describes the five alternatives under consideration in this Supplemental Draft EIS:

- No Action Alternative
- Proposed Tehachapi Uplands Multiple Species Habitat Conservation Plan Alternative (Proposed TU MSHCP Alternative) (Preferred Alternative)
- Condor Only Habitat Conservation Plan Alternative (Condor Only HCP Alternative)
- Condor Critical Habitat Avoidance Multiple Species Habitat Conservation Plan Alternative (CCH Avoidance MSHCP Alternative)
- Kern County General Plan Buildout Alternative

The alternatives reflect a range of species conservation management scenarios and development scenarios. The highest intensity development is reflected in the Kern County General Plan Buildout Alternative. It reflects development on the Covered Lands allowed under the existing Kern County General Plan (Kern County 2009) land use designations, including construction of the approved TMV Project, large-lot (20 to 80 acres) rural residential development, and several higher density planned communities.<sup>1</sup> Development would occur on a project-by-project basis, and there would be no comprehensive land conservation and species protection planning. The Service could authorize incidental take as needed for specific projects through the Federal Endangered Species Act (ESA) Section 7 or Section 10 processes.

The Condor Only HCP Alternative and the Proposed TU MSHCP Alternative each represent the same level of development and land conservation in the Covered Lands, but differing degrees of species management. With respect to development, both represent an effort to substantially modify the land use patterns that could occur under the general plan to avoid development in the Condor Study Area, where substantial condor use occurs. With respect to land and species management, under the Condor Only HCP Alternative, potential effects on other federally listed species would not be covered under the HCP but would be addressed during subsequent project-specific siting and permit and review processes. The Proposed TU MSHCP Alternative represents a more comprehensive approach to species conservation planning, as it would address 27 species (listed and species that may be listed) at the outset. The CCH Avoidance MSHCP Alternative would limit development on the Covered Lands to portions located outside of critical habitat for the California condor and would otherwise reflect the take minimization and mitigation measures proposed in the TU MSHCP. The National Environmental Policy Act (NEPA) also requires consideration of a No Action Alternative. Under the No Action Alternative, no development would occur, and no action, including issuance of an incidental take permit (ITP) to Tejon Ranchcorp (TRC) for incidental take of the Covered Species,

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<sup>1</sup>The Kern County General Plan (Kern County 2009) provides a comprehensive plan for Kern County, including land use designations for permissible uses of designated areas and other plans and policies. For purposes of this Supplemental Draft EIS, the land use designations in the Kern County General Plan have been used to identify land use development densities for the Covered Lands. Actual permissible development would be determined through the Kern County entitlement process, and may vary from the General Plan land use designations by application of other plans and policies as well as other applicable requirements.

would be taken by the Service. For the purposes of this NEPA analysis, this alternative provides a point of comparison for all alternatives considered in this environmental impact statement (EIS).

These five alternatives have been carried forward for detailed analysis in this Supplemental Draft EIS. A description of alternatives considered but not carried forward for detailed analysis is provided in Section 2.4 Alternatives Considered But Not Analyzed in Detail, along with a brief discussion of the methods used to assess and develop all alternatives.

Table 2-1 presents a summary of important terms used throughout the EIS, and identifies the alternatives to which they apply.

**Table 2-1. Summary of Common Terms and Applicability to Alternatives**

Term	Definition	No Action Alternative	Proposed TU MSHCP Alternative	Condor Only HCP Alternative	CCH Avoidance MSHCP Alternative	Kern County General Plan Buildout Alternative
Covered Lands	141,886 acres <sup>1</sup> of land located in Tejon Ranch for which the Covered Activities associated with each alternative would occur.	X	X	X	X	X
Covered Activities	<u>Existing Ranch Uses.</u> Activities that have historically occurred in the Covered Lands and are likely to continue in the future. These activities occur throughout the Covered Lands.	X	X	X	X	X
	<u>Plan-Wide Activities.</u> For several of the alternatives, the term Plan-Wide Activities includes Existing Ranch Uses as well as certain development-related future uses (e.g., emergency access roads and utilities to serve development), public access, and mitigation, monitoring, and management activities. These activities would occur in open space areas in the Covered Lands.		X	X	X	
	<u>Commercial and Residential Development Activities.</u> <sup>2</sup> Planned future community development in the Covered Lands.	None	<ul style="list-style-type: none"> <li>• <u>Residential Development:</u> 3,632 dwelling units</li> <li>• <u>Commercial Development:</u> 1,804,390 sq. ft.</li> </ul>	Same as Proposed TU MSHCP Alternative	<ul style="list-style-type: none"> <li>• <u>Residential Development:</u> 3,161 dwelling units</li> <li>• <u>Commercial Development:</u> 1,804,390 sq. ft.</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Residential Development:</u> 7,238 dwelling units</li> <li>• <u>Commercial Development:</u> 2,144,810 sq. ft.</li> </ul>

Term	Definition	No Action Alternative	Proposed TU MSHCP Alternative	Condor Only HCP Alternative	CCH Avoidance MSHCP Alternative	Kern County General Plan Buildout Alternative
	<u>Open Space</u> . <sup>2</sup> Permanently preserved or Restricted Open Space in the Covered Lands.	106,317 acres	129,318 acres	12,318 acres	130,339 acres	119,392 acres
Disturbance Area	Maximum area that would be disturbed as a result of proposed development activities under each alternative.	None	5,533 acres	5,533 acres	4,496 acres	12,142 acres
Development Envelope	As defined above, each of the alternatives identifies a maximum Disturbance Area that would be associated with development activities. However, for the alternatives that include the TMV Project (i.e., Proposed TU MSHCP Alternative, Condor Only Alternative, and Kern County General Plan Buildout Alternative), for which the TMV Specific Plan and the Ranchwide Agreement set the boundaries of development but do not define a specific disturbance footprint, a larger Development Envelope was calculated within which those disturbance activities may occur. The Disturbance Area and Development Envelope are the same for the CCH Avoidance MSHCP Alternative. The Development Envelope is used to assess potential effects on biological resources, as described in Section 4.1, Biological Resources.	None	8,817 acres	8,817 acres	4,496 acres	14,934 acres
Covered Species	Species that would be covered under an ITP issued by the Service. Refer to Table 1-1.	0	27	1	27	Project-by-project, as needed

Term	Definition	No Action Alternative	Proposed TU MSHCP Alternative	Condor Only HCP Alternative	CCH Avoidance MSHCP Alternative	Kern County General Plan Buildout Alternative
ITP Term	Term of ITP, if issued.	0	50 years	50 years	50 years	To be determined project-by-project
Conservation Measures	Measures required under an HCP to meet the ESA issuance criteria provided in Section 10(a)(2)(B).	None	Provided in TU MSHCP	Provided in HCP	Provided in MSHCP	To be determined project-by-project
Tejon Ranchcorp (TRC)	Landowning subsidiary of Tejon Ranch Company and applicant.	X	X	X	X	X
Tejon Ranch (ranch)	<b>270,365-acre</b> area located approximately 60 miles north of Los Angeles and 30 miles south of Bakersfield, CA. This area encompasses the Covered Lands.	X	X	X	X	X
Condor Critical Habitat (CCH)	<b>605,194 acres</b> in California; <b>127,774 acres</b> within Tejon Ranch Condor Critical Habitat Unit (excludes Not-A-Part Inholdings); and <b>95,068 acres</b> in Covered Lands.	X	X	X	X	X
Condor Study Area	<b>37,100 acres</b> in the Covered Lands also referred to as the Tunis and Winters Ridge area, located in the Tehachapi Mountain Uplands.	Fully protected	Fully protected	Fully protected	Fully protected	Partially protected

Term	Definition	No Action Alternative	Proposed TU MSHCP Alternative	Condor Only HCP Alternative	CCH Avoidance MSHCP Alternative	Kern County General Plan Buildout Alternative
Other Lands	<b>6,890 acres</b> that consist of Not-A-Part Inholdings (see below) and areas where existing uses not covered under the alternatives (i.e., mining leases to National Cement and La Liebre Mines and Veteran's Cemetery) occur.	X	X	X	X	X
Not-A-Part Inholdings	<b>3,886 acres</b> in the Covered Lands not owned by Tejon Ranch (most parcels are owned privately and one parcel is owned by the California Department of Water Resources).	X	X	X	X	X
TMV Planning Area	<b>28,253 acres</b> comprised of TMV Specific Plan Area [26,417 acres]; Oso Canyon [1,666 acres]; and West of Freeway [170 acres].		X	X		
TMV Specific Plan Area	<b>26,417 acres</b> of the TMV Planning Area located in the southwest portion of the Covered Lands. Includes the TMV Project.		X	X		X
TMV Specific Plan Development Envelope	<b>7,860 acres</b> in the Kern County-approved TMV Specific Plan Area that is the TMV Project. The development disturbance footprint, or Disturbance Area, in this envelope is limited to 5,082 acres.		X	X		X

Term	Definition	No Action Alternative	Proposed TU MSHCP Alternative	Condor Only HCP Alternative	CCH Avoidance MSHCP Alternative	Kern County General Plan Buildout Alternative
TMV Project	Low-density development located in the TMV Specific Plan Area 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.		X (one component of commercial / residential development)	X (one component of commercial / residential development)		X (one development allowed under the Kern County General Plan)
TMV Project Approvals	The TMV Project was approved by Kern County Board of Supervisors on October 5, 2009. For the purposes of this EIS, the TMV Project Approvals consist of General Plan amendments, the TMV Specific Plan County approval, the Draft and Final Environmental Impact Report (EIR) for the TMV Project, EIR Certification, the Mitigation, Monitoring and Reporting Program (MMRP), and staff reports.		X	X		X
Lebec/Existing Headquarters Area	<b>410 acres</b> that include existing TRC corporate headquarters buildings and other infrastructure.	X	X	X	X	X
Non-Disturbance Areas	Portions of the Lebec/Existing Headquarters Area that would remain undeveloped due to allowed development densities associated with general plan land use designations.		X	X	X	X
West of Freeway	<b>170 acres</b> west of Interstate 5	X	X	X	X	X
Tejon Castac Water District (TCWD) parcel	<b>35 acres</b> owned by California Department of Water Resources.	X	X	X	X	X

Term	Definition	No Action Alternative	Proposed TU MSHCP Alternative	Condor Only HCP Alternative	CCH Avoidance MSHCP Alternative	Kern County General Plan Buildout Alternative
TU MSHCP Mitigation Lands	<b>116,523 acres</b> consisting of Established Open Space (93,522 acres) and 23,001 acres of TMV Planning Area Open Space.		X	X		
Established Open Space	<b>93,522 acres</b> that would be protected in perpetuity under the Ranchwide Agreement.	X	X	X	X	
TMV Planning Area Open Space	<b>23,001 acres</b> in the TMV Planning Area that would be permanently preserved as open space. Includes 21,335 acres of open space required by the TMV Project and 1,666 acres that is equivalent to the Oso Canyon acreage.		X	X	<b>24,022 acres</b> (includes additional open space as a result of avoidance of California condor critical habitat)	<b>21,335 acres</b> (required by TMV Project Approvals)
Restricted Open Space	Lands designated in the Kern County General Plan as 8.2, 8.3, 8.5 (minimum 20/80-acre parcel size) and 5.7 (minimum 5 gross acres/unit), which are not expected to be developed with single family structures.					X
Existing Conservation Easement Areas	<b>12,795 acres</b> of Covered Lands currently (as of March 2011) under recorded conservation easement per the Ranchwide Agreement.	X	X	X	X	X

Term	Definition	No Action Alternative	Proposed TU MSHCP Alternative	Condor Only HCP Alternative	CCH Avoidance MSHCP Alternative	Kern County General Plan Buildout Alternative
Ranchwide Agreement	Private agreement between TRC and several Resource Groups 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 use restrictions on Existing Ranch Uses and Plan-Wide Activities to protect conservation values, such as restrictions on water use and new roads.	X	X	X	X	
Tejon Ranch Conservancy	Nonprofit corporation responsible for stewardship of open space lands and development of resource management plans, per provisions of the Ranchwide Agreement.	X	X	X	X	
Ranchwide Management Plan (RWMP)	Plan, per the Ranchwide Agreement, that identifies best management practices (BMP) for Existing Ranch Uses.	X	X	X	X	

<sup>1</sup> Includes 6,890 acres of Other Lands. See definition in table.

<sup>2</sup> Refer to Tables 2-5 and 2-6 for an explanation of land uses, including open space areas, and Development and Disturbance Areas for each alternative.

## 2.1.1 Location of Alternatives

The alternatives would be located on the Covered Lands, which represent 141,886 acres of the 270,365-acre Tejon Ranch (ranch) located approximately 60 miles north of Los Angeles and 30 miles south of Bakersfield, California (Figure 2-1). The Covered Lands generally constitute the Tehachapi Uplands of the ranch, or the area roughly above 2,000 feet above mean sea level (amsl) on the north (San Joaquin Valley) side of the mountains and generally 3,500 feet amsl on the south (Antelope Valley) side. The maximum elevation of the Tehachapi Uplands is approximately 7,000 feet amsl. For purposes of this EIS, a 37,100-acre area in the Tehachapi Mountain Uplands has been identified as the Tunis and Winters Ridge area, which is defined as the area between 2,000 feet amsl above the San Joaquin Valley Floor and the overlooking ridgelines between Pastoria Creek on the west and El Paso Creek on the east. This Tunis and Winters Ridge area is referred to as the Condor Study Area.

All of the alternatives would encompass the same 141,886 acres of the Covered Lands, including the approximately 37,100-acre Condor Study Area. The Condor Study Area includes very high-value California condor habitat and areas of historically frequent condor foraging and roosting activity in the ranch based on telemetry, global positioning system (GPS), and observational data. Other than the Kern County General Plan Buildout Alternative, which would allow limited development in the Condor Study Area, the alternatives would avoid development in this area. Existing Ranch Uses, described below, would continue in the Condor Study Area under all of the alternatives.

## 2.1.2 Overview of Activities Considered in the Alternatives

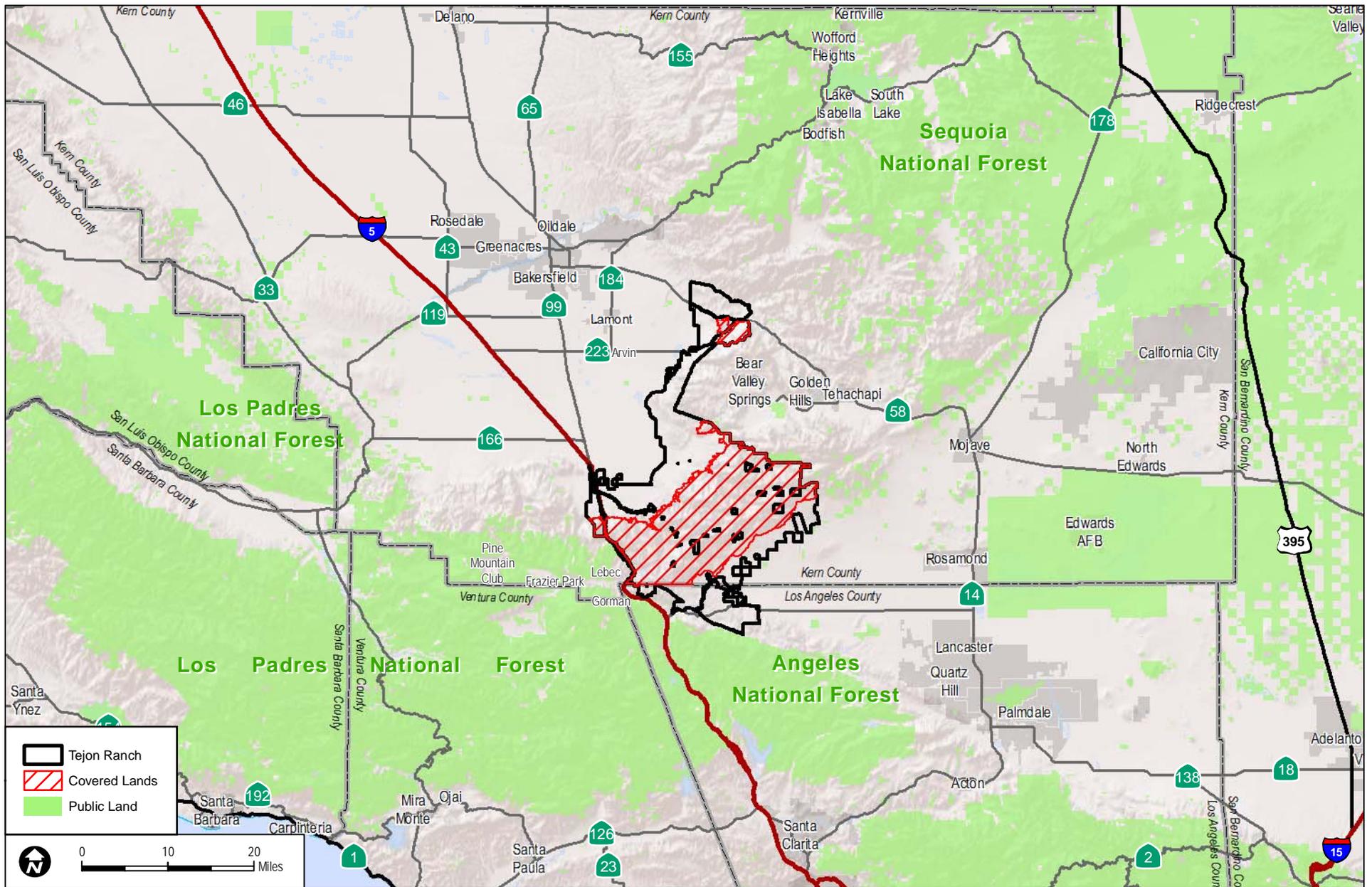
The following provides a brief summary and background of the existing and proposed uses and activities considered in the effects analysis in Chapter 4, Environmental Consequences. In general, each of the alternatives considers three broad categories of Covered Activities: Existing Ranch Uses or Plan-Wide Activities, Open Space, and Commercial and Residential Development Activities.

### 2.1.2.1 Activities Considered in the Analysis

Existing Ranch Uses include livestock grazing and management; fuel management; film production; private recreation (excluding commercial hunting); ongoing farming and irrigation water diversion activities; repair, maintenance, and use of roads; use, maintenance, repair, or replacement of existing utility infrastructure; use, maintenance, and relocation of back-country cabins; use, maintenance, and construction of ancillary ranch facilities; maintenance and construction of fences; and use, repair, and maintenance of the existing TRC headquarters buildings and other structures in the Lebec/Existing Headquarters Area. These activities are ongoing at the present time and reflect current conditions in the Covered Lands. In addition, under the Proposed TU MSHCP Alternative, Condor Only HCP Alternative, and CCH Avoidance MSHCP Alternative, Existing Ranch Uses would be expanded to include development-related future uses throughout the Covered Lands (e.g., construction of emergency access roads, relocation of utilities), as well as public recreation and mitigation, monitoring, and management activities. Under these alternatives, these expanded activities, in combination with the Existing Ranch Uses, are referred to as Plan-Wide Activities.

Open space encompasses different areas (e.g., Existing Conservation Easement Areas, Restricted Open Space, TU MSHCP Mitigation Lands), depending on the alternative (Table 2-1), and would be permanently preserved as open space.

Commercial and Residential Development Activities are considered for all alternatives except the No Action Alternative, and would occur in three distinct development areas in the TMV Planning Area (i.e., the TMV Specific Plan Area [i.e., the TMV Project], Oso Canyon, and West of Freeway), within



SOURCE: TRC 2007  
California Resource Agency 2011

FIGURE 2-1

Regional Location Map



the Lebec/Existing Headquarters Area, and on a small parcel owned by the Tejon Castac Water District (TCWD) (Figure 2-2). Development would occur according to Kern County General Plan land use designations, except for development of the TMV Project, which would occur according to the additional zoning layer provided in the TMV Specific Plan (Figure 2-3). The general plan designations are generally divided into two categories: density-based designations and rural-use designations. Density-based designations in the Covered Lands include 3.1, 4.1, 4.3, 5.3, 5.4, 5.8, 6.2, and 6.3 (Figure 2-3) and, for the purposes of this EIS, are considered to be 100% developed. Rural-use designations include 8.2, 8.3, and 8.5 (minimum 20/80-acre parcel size) and 5.7 (minimum 5 gross acres/unit) general plan designations (Figure 2-3). On these lands, it is assumed that a 2-acre parcel would be disturbed for the construction of a house and associated uses; however, the remaining lands (i.e., 18 acres for a 20-acre parcel and 78 acres for an 80-acre parcel) would remain undeveloped. The remaining designations, including 1.1 and 8.4, do not have any development associated with the designation in the Covered Lands. Refer to Appendix B, Land Use Calculations, for a more detailed discussion of the acreages in each general plan land use designation.

Based on these general plan designations and the TMV Project Approvals, as relevant, a Disturbance Area was calculated for each alternative. For the alternatives that include the TMV Project, for which the TMV Specific Plan/Special Plan and the Ranchwide Agreement set the boundaries of development, and Oso Canyon, for which the Ranchwide Agreement sets the boundaries of development, neither of which define a specific disturbance footprint, a larger Development Envelope was calculated as a conservative approach for the quantitative biological analysis. The remaining effect analyses are based on the allowed disturbance acreages for each alternative (Table 2-1) which were calculated using the underlying general plan designation or specific plan designation.

### 2.1.2.2 Other Activities

Hunting is part of the existing conditions for all alternatives and currently occurs across the ranch. It is not a Covered Activity. The commercial hunting program at the ranch, which is regulated by the California Department of Fish and Game (CDFG), is anticipated to continue throughout the ranch; no take of any federally protected species is authorized, and the hunting program must continue to be managed to avoid the take of any federally protected species. TRC banned the use of lead ammunition on its lands effective January 1, 2008. The ban will occur in perpetuity over the entire 270,365 acres of the ranch, including the Covered Lands, and applies to all hunters registering with TRC's Wildlife Management Operation for hunting access licenses. The Private Wildlands Habitat Enhancement and Management Area License issued to TRC by CDFG also includes a provision relating to the lead use ban. The TRC lead ban also applies to all TRC employees or third parties who are engaged in any animal damage control or nuisance abatement activities on the ranch. This ban is assumed to occur under each of the alternatives and would be implemented and enforced by TRC through the issuance of hunting permits and by the execution of Notice, Acknowledgement and Agreement Relating to the Lead Ammunition Ban and the Protection of the California Condor and Hunting Rules and Regulations by all hunters on ranch property. Examples of the lead ban documents used by TRC are appendices to the TU MSHCP. A lead ammunition ban applicable to hunting was also recently adopted for the California condor's historic range by the State of California (California Fish & Game Code, Section 3004.5).

None of the alternatives include mineral extraction as a Covered Activity. Although not conducted by TRC, mining occurs at the existing, leased National Cement and La Liebre mines, as illustrated in Figure 2-3. For the purposes of this EIS, the mineral and petroleum acreage assumed for all alternatives is limited to the acreage occupied by the existing mines, or 2,636 acres.<sup>2</sup> It is assumed that expanded mineral and petroleum activities beyond the acreage occupied by the two mines would not occur, and is not included as a Covered Activity under any of the alternatives. In addition, the Ranchwide Agreement, which is assumed under all of the alternatives except the Kern County General Plan Buildout Alternative, restricts mining activity in the Covered Lands to these two mine areas. Under the Kern County General Plan Buildout Alternative, all areas in a mining general plan designation would remain undeveloped, in consideration of the absence of pending mine proposals and the speculative nature of assessing a type or level of mining without an actual proposal. Because the two mines are in the Covered Lands, they are acknowledged as existing uses in all of the alternatives; however, as noted above, mining activity is not proposed as a Covered Activity for any of the alternative and is not evaluated in Chapter 4.0, Environmental Consequences, of this Supplemental Draft EIS.

TRC has donated approximately 500 acres of the ranch to the Veterans Administration (VA) for development of a cemetery for veterans (Veterans Cemetery). Approximately 384 acres of this cemetery site are located in the Covered Lands. The VA prepared an Environmental Assessment for the construction and operation of the Veterans Cemetery, which resulted in a finding of no significance under NEPA (URS 2007). The VA's operation of this cemetery is not a Covered Activity. For all alternatives, the Veterans Cemetery is assumed to be completed as planned by the VA and no commercial or residential development is assumed to occur in the area.

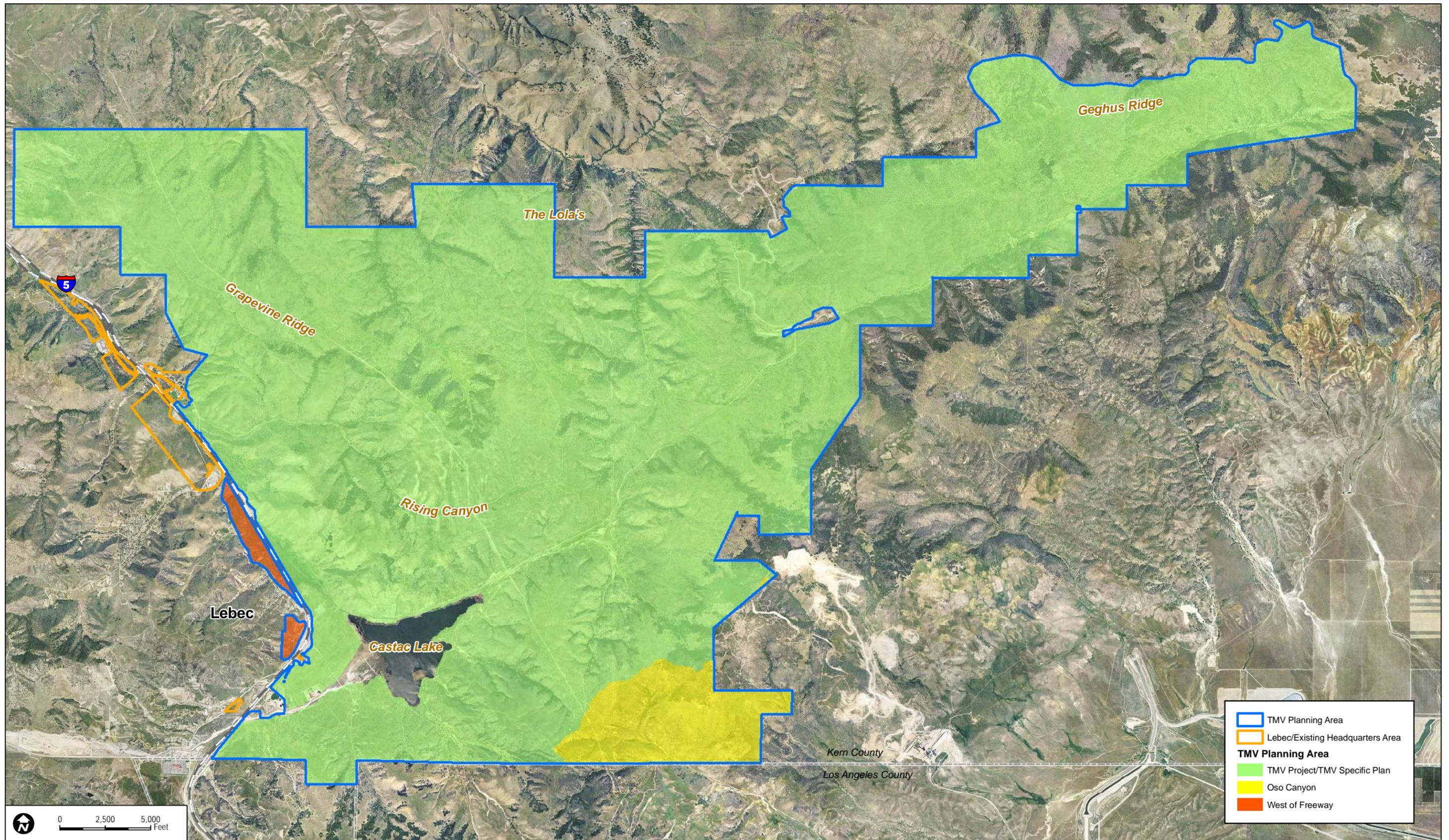
### 2.1.2.3 Ranchwide Agreement

The Ranchwide Agreement, which was executed in June 2008 by several major environmental organizations, including the National Audubon Society, the Sierra Club, the Natural Resources Defense Council, Endangered Habitats League, and the Planning and Conservation League (collectively known as the Resource Groups), the Tejon Ranch Conservancy, and TRC, is currently in place. It precludes development in certain areas of the ranch for a minimum of 99 years; ultimately, it is anticipated that a series of conservation easements will be recorded and will protect those areas in perpetuity. Most of the conservation easements are triggered by development approvals (e.g., final approval of the TMV Project, including successful resolution of all lawsuit appeals), and none of those triggers have been met. The Ranchwide Agreement includes an option provided to the California Wildlife Conservation Board to purchase conservation easements over certain areas of the Covered Lands totaling 12,795 acres. This option was exercised and conservation easements were recorded in March 2011 (Existing Conservation Easement Areas).

Because the Ranchwide Agreement is a private agreement to which the Service is not a party, it cannot be assured that the agreement would not be amended or terminated or that the remaining conservation easements would ultimately be recorded. While the Service considers the likelihood that the Ranchwide Agreement would be terminated remote, for purposes of a comprehensive NEPA analysis and to portray a full range of alternatives, one alternative, the Kern County General Plan Buildout Alternative, presents a scenario where the Ranchwide Agreement protections would not

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<sup>2</sup> The No Action, Proposed TU MSHCP, Condor Only HCP, and CCH Avoidance MSHCP Alternatives are limited to the 2,636 acres of existing mining uses based on the terms of the Ranchwide Agreement. Although the Kern County General Plan allows for 5,141 acres of mineral and petroleum uses, because there are currently no specific proposals for mining use on the Covered Lands, mining of this additional acreage is considered speculative. As a result, 2,636 acres of mining uses is also assumed in the analysis of the Kern County General Plan Buildout Alternative. Refer to Master Response 11, Alternatives, in Volume II of this Supplemental Draft EIS for a more detailed description of how mining uses were considered for each of the alternatives.



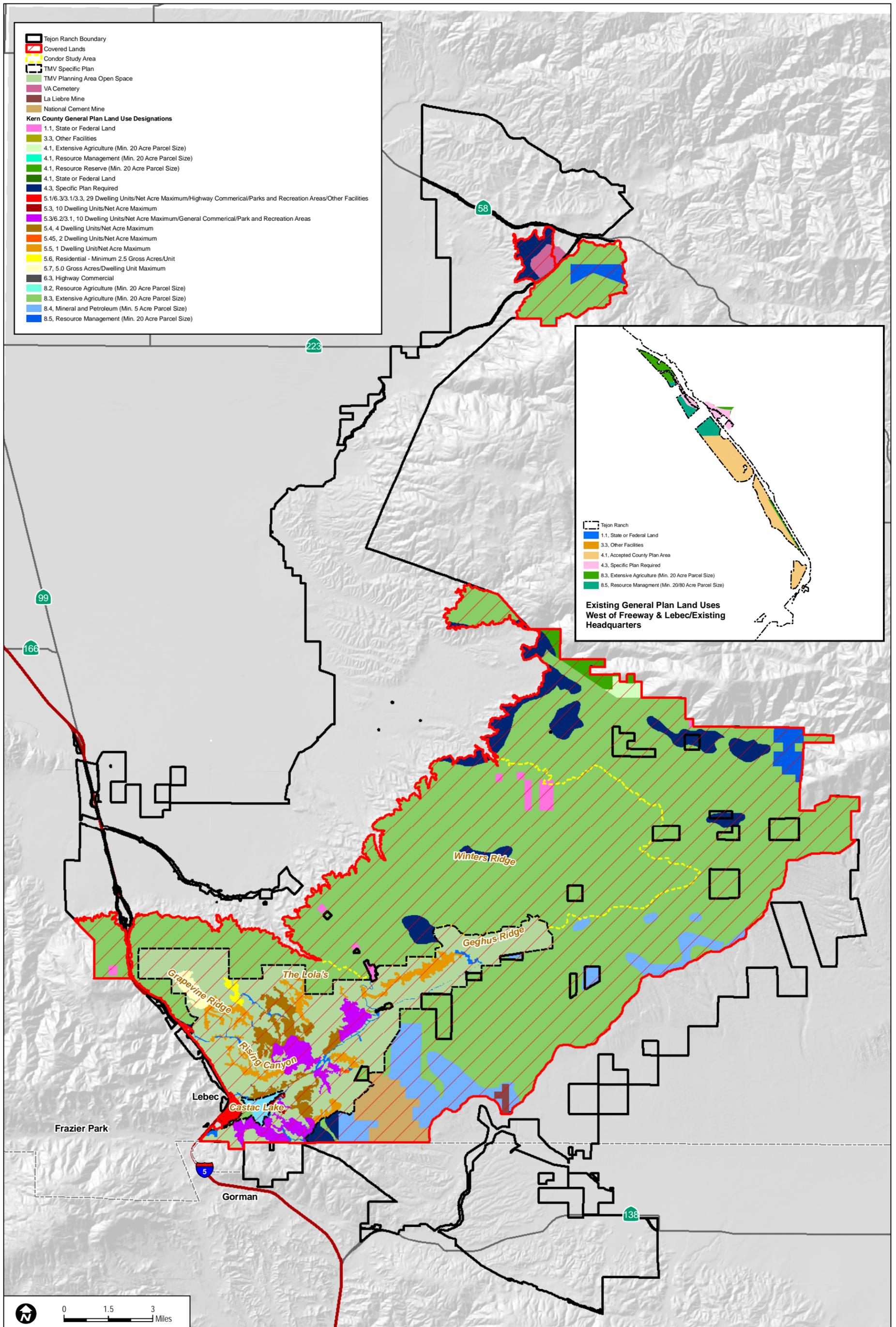
	TMV Planning Area
	Lebec/Existing Headquarters Area
<b>TMV Planning Area</b>	
	TMV Project/TMV Specific Plan
	Oso Canyon
	West of Freeway

0 2,500 5,000 Feet

SOURCE: TRC 2007

**FIGURE 2-2**  
**Development Areas**





SOURCE: TRC 2007  
Kern County 2011

**FIGURE 2-3**  
**Kern County General Plan and Specific Plan Land Use Designations in Covered Lands**



exist, except for the permanent protection of the already recorded conservation easements on the Existing Conservation Easement Areas.

With regard to the Covered Lands, the Ranchwide Agreement provides for:

- The permanent protection of (and permanent prohibition of development on) 93,522 acres of the 141,886 acres of Covered Lands, which includes the Condor Study Area. This area is referred to as Established Open Space in this Supplemental Draft EIS.
- The option for the Resource Groups to acquire conservation easements or fee title on an additional 12,795 acres of Covered Lands. These options were exercised and easements were recorded in March 2011. Those areas are referred to as Existing Conservation Easement Areas, both in the Ranchwide Agreement and in this Supplemental Draft EIS.
- The creation and funding of an independent, new nonprofit corporation, the Tejon Ranch Conservancy, 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. Long-term funding of the Tejon Ranch Conservancy is partially dependent on transfer fees from home sales related to the three potential development areas on the ranch: the TMV Project on the Covered Lands and the Centennial and Grapevine projects elsewhere on the ranch.
- Allowance for TRC to continue its historic ranch uses on the ranch, subject to certain use restrictions and prescribed management standards or best management practices (BMPs), and also to pursue its development objectives for several development projects on Tejon Ranch, including, as relevant to the Covered Lands, development in the TMV Planning Area (as limited by the Development Envelope portrayed on Exhibit J-3 to the Agreement) and in the Lebec/Existing Headquarters Area located to the west of Interstate 5 (I-5).
- The permanent protection of 21,350 acres as open space if development is pursued in the TMV Planning Area. No such restriction is applicable in the Lebec/Existing Headquarters Area. In addition, specific natural resources protection measures would be required as a part of development, including California condor measures and a range of measures to protect special-status species on the Covered Lands. These measures would apply unless more stringent measures are required by the resource agencies.
- A commitment to preserve and protect conservation values on the ranch, including the promotion and restoration of native biodiversity and ecosystem values; protection and enhancement of natural watershed functions and stream and aquatic habitat quality; maintenance of healthy, diverse native forests; protection of human life and property, public safety, and natural resource values from wildfire, recognizing that fire is a natural ecological process; protection and appropriate restoration and interpretation of significant historic and cultural resources; and the protection of scenic vistas and rare visual resources through use restrictions and BMPs applicable to Existing Ranch Uses. This commitment is required to be memorialized in conservation easements that require Existing Ranch Uses and other foreseeable development-related uses in open space (like emergency access roads/utilities) to be conducted so as to preserve and not impair these conservation values.
- Creation and implementation of a Ranchwide Management Plan (RWMP) with prescribed management standards to assure that existing natural resource and conservation values of the ranch, noted above, are conserved while Existing Ranch Uses remain ongoing. For example, the existing RWMP, called the Interim RWMP (Tejon Ranch Company 2009), documents the existing BMPs followed by TRC when engaging in ongoing ranch uses. The Interim RWMP was adopted in 2009 by the Tejon Ranch Conservancy, and the Conservancy is now in the process of developing a revised RWMP that, based on baseline surveys, will identify and refine BMPs for such conservation activities as "soil and water conservation, erosion control, grazing

management, pest management, nutrient management, wildlife management, public access, water quality and habitat protection" - all to preserve and enhance the conservation values already present. The Interim RWMP (Tejon Ranch Company 2009) is included as Appendix E to the TU MSHCP.

Of note, if development of the TMV Project on the Covered Lands does not proceed, the Ranchwide Agreement requirements to deed restrict over 21,350 acres of TMV Planning Area Open Space would not be triggered. As such, the portions of open space in the TMV Planning Area would not be subject to the Ranchwide Agreement, and provisions provided in the RWMP specific to management of those areas would not be required.

Several future activities on the Covered Lands are contemplated by the Ranchwide Agreement, but have not yet been formally proposed and are not included as Covered Activities in the TU MSHCP. Specifically, the Ranchwide Agreement includes provisions for the negotiation of an offer for dedication of approximately 10,000 acres to accommodate the rerouting of the Pacific Crest National Scenic Trail from its current location (i.e., to the east and south of Tejon Ranch on the floor of the Mojave and Antelope Valley) to a new alignment crossing the ranch. Although the general path of the Pacific Crest National Scenic Trail was envisioned by the U.S. Forest Service to cross Tejon Ranch in the future (38 *Federal Register* [FR] 2832), no dedication of such easement has been made by the ranch and no formal proposal has yet been made to relocate the trail from its current location. Similarly, the Ranchwide Agreement makes provision for negotiations of the possible creation of a new California State Park. The University of California Natural Reserve System has also expressed an interest in studying the viability of establishing a University of California Nature Reserve. If these prospective uses were to occur in the future, each would require their own review at the time they are formally proposed, including review for compliance with the ESA, as appropriate. Future public access programs would also be subject to all applicable legal requirements, including compliance with environmental and land use laws.

The Ranchwide Agreement is included as Appendix D to the TU MSHCP.

## 2.2 Alternatives

### 2.2.1 No Action Alternative

The No Action Alternative assumes that the Service would not issue an ITP. Under the No Action Alternative, it is assumed that the Ranchwide Agreement would remain in effect, that development of the TMV Project and other future commercial or residential development would not occur in the Covered Lands, and that Existing Ranch Uses would continue at current levels into the future.

The conditions of approval for the TMV Project by Kern County identify certain actions to be undertaken by the Service, including directing the potential operation of a supplemental feeding program, and capture of California condors that have become habituated. The No Action Alternative does not assume future action on the part of the Service, including future Service action identified as a condition of Kern County's approval of the TMV Project. It is assumed the Service would continue to provide technical assistance to TRC regarding the California condor.

#### 2.2.1.1 Species

The Service would not issue an ITP under the No Action Alternative, so no species would be covered under a permit.

## 2.2.1.2 Activities Considered in the Analysis

### Existing Ranch Uses

This section describes the activities that have historically occurred on the Covered Lands and are likely to continue in the future. These activities would continue to occur throughout the Covered Lands under the No Action Alternative, subject to the BMPs and use restrictions required pursuant to the Ranchwide Agreement, as currently set forth in the Interim RWMP, and as described below. All subsequent RWMPs would be required to reflect BMPs that protect the conservation values of the land, and such requirements would be reflected in the conservation easements consistent with the process set forth by the Ranchwide Agreement. There is no indication that these designated historic and ongoing ranch activities have caused any take of federally protected species. For purposes of this NEPA analysis, it is assumed that these activities would continue in a manner that would not cause take.<sup>3</sup>

- **Livestock Grazing and Range Management Activities.** Livestock grazing and range management activities include breeding; grazing; calving; livestock movement; and construction, operation, and maintenance of watering facilities, feeding areas, fences, and corrals, consistent with the types and level of historic grazing and ranch management practices on the Covered Lands. Section 3.2.1, Ranching/Livestock Management, in the Interim RWMP provides a compiled list of BMPs that are currently implemented to protect and preserve conservation values on the ranch during livestock grazing and range management activities. These include, for example, ensuring that the number and type of livestock grazed are appropriate for the conditions of the ranch and the carrying capacity of the land and are rotated regularly to protect vegetation and soils; that water resources are distributed across the land to avoid overuse of riparian areas; and that site evaluations are completed for any changes to the road network or fencing uses that could impede wildlife movement or adversely affect sensitive natural resources (Tejon Ranch Company 2009).
- **Fuel Management.** Fuel management practices consist primarily of grazing. They also include maintaining existing roads and irrigation and/or vegetation clearing around existing structures (within 120 feet), as well as coordinating with state or local agencies for mowing or other fire protection measures along fire-prone areas (e.g., highways). Section 3.2.7, Fuel Management, in the Interim RWMP provides a compiled list of BMPs that are currently implemented to protect and preserve conservation values on the ranch during fuel management activities. These include, for example, heavy reliance on grazing for fuel management; maintenance of existing roads to specific standards to allow fire vehicle access / transit; and maintenance of fuel breaks around structures (Tejon Ranch Company 2009). In addition, fireworks are generally prohibited and campfires are limited to designated locations.
- **Filming.** Filming activities generally consist of temporary on-scene filming and photography-related uses, including but not limited to the filming and staging of movies, television shows and commercials, photo shoots, and still photography. Filming activities may include erecting and dismantling of props, temporarily installing trailers and equipment for film crews, filming on-camera action, catering, rehabilitating disturbed areas, and moving film crews to and from locations. Section 3.2.4, Filming, in the Interim RWMP provides a compiled list of BMPs that are currently implemented to protect and preserve conservation values on the ranch during filming activities. These include, for example, requiring that ranch personnel be on site during filming to monitor compliance with ranch rules, including cleanup of microtrash; review by the ranch staff

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<sup>3</sup> The inclusion of these activities in the No Action Alternative does not confer any authority on TRC or any other party to cause take of any federally protected species when engaging in these or any other activities on the Covered Lands.

prior to any proposed temporary construction activities to ensure those activities avoid sensitive resources; and restoration of temporarily disturbed areas on completion of filming activities, including revegetation as necessary (Tejon Ranch Company 2009).

- **Recreation.** Recreation activities consist of guided hikes by the Tejon Ranch Conservancy and passive, noncommercial recreation uses by TRC and its invitees (not the public) that include walking, hiking, sightseeing, climbing, limited equestrian uses (i.e., horseback riding, breeding, boarding, feeding, training, and events at the equestrian facility located near the southern end of Castac Lake), nonmotorized biking on roads or trails, bird and wildlife watching and other nature study, photography, picnics, astronomy, archery and target shooting, cross-country snow skiing, snow-shoeing, sledding, fishing and boating, and all travel on roads and trails in the Covered Lands associated with these recreation activities. Overnight camping is not allowed, except by TRC and its employees consistent with past practices. Section 3.2.14, Private Recreational Use, in the Interim RWMP provides a compiled list of BMPs that are currently implemented to protect and preserve conservation values on the ranch in areas used for private recreation. These include, for example, planning activities to avoid effects on natural resources; requiring, when appropriate, use of existing roads and trails so potential effects on sensitive habitat or species are minimized; and restricting trail use to avoid active golden eagle nests during the breeding season (Tejon Ranch Company 2009). Under the No Action Alternative, a more extensive public recreation program would not be developed.
- **Farming, Irrigation and Water Diversion Activities.** Most of TRC's farming operations are located on the San Joaquin Valley Floor and are not in the Covered Lands. Approximately 232 acres have been mapped as agricultural land in the Covered Lands. Some creek diversions that support farming operations are located in and around the Covered Lands above the San Joaquin Valley. The diversion activities in and adjacent to the Covered Lands are limited to the operation, maintenance, repair and replacement of three weir structures, a water intake and conveyance pipe, and flow meters on Tejon Creek, Tunis Creek, and El Paso Creek. These existing farming and irrigation activities would continue throughout the ranch and the Covered Lands subject to the farming and water diversion BMPs provided in Section 3.2.2, Farming, in the Interim RWMP. These BMPs include, for example, requiring crop planning, biological, and cultural management techniques to reduce the need for pesticides; selection of plants that match climate conditions and are suited for available water; and installation of water-usage reducing irrigation systems, such as drip irrigation and adjusted irrigation levels (Tejon Ranch Company 2009). Other water diversion activities are limited by the Ranchwide Agreement, so that there will be no significant expansion of groundwater extraction practices, and no major alterations or improvements of the ranch surface for water storage, including water storage in underground aquifers.
- **Repair, Maintenance, and Use of Roads.** A network of generally unpaved roads used for grazing operations, fire management, and access to hunting and other recreation activities crosses the Covered Lands. Two paved roads, providing access to the California Aqueduct and to the National Cement plant, also occur in the Covered Lands. Use, repair, and maintenance of these roads would continue to occur under the No Action Alternative. In addition, ranch dirt roads are occasionally constructed and/or existing roads are relocated to serve Existing Ranch Uses, or to provide emergency vehicle or similar access, as required by local authorities. Sections 3.2.2, Farming, and 3.2.7, Fuel Management, in the Interim RWMP provides a compiled list of BMPs that are currently implemented to protect and preserve conservation values on the ranch in areas subject to road use, maintenance, or repair. These include, for example, evaluating proposals for road relocation to ensure they avoid effects on sensitive resources; implementing a dust control plan to reduce particulate matter emissions on well-traveled roads; and maintenance of berms on dirt roads to handle minor stormwater flows (Tejon Ranch Company 2009).

- **Utilities.** Various utilities currently exist in or across the Covered Lands. As limited by the Ranchwide Agreement, utilities in existence as of June 17, 2008 may be used, maintained, repaired, or replaced in their existing location and footprint. The footprint of new utilities must be minimized, and new utilities may only be constructed pursuant to approval of the appropriate government agencies, and in a way that does not significantly impair conservation values. Construction must be planned to reduce effects on sensitive natural resources and limited to a minimal area. These BMPs are generally provided in Section 3.2.9, Incidental Ranch Facilities, in the Interim RWMP (Tejon Ranch Company 2009). No new overhead utilities would be constructed in the Condor Study Area under the No Action Alternative.
- **Back-Country Cabins.** Nine back-country cabins are currently located on the Covered Lands, including two in the Condor Study Area. Use and maintenance of these cabins would continue under the No Action Alternative. Under the Ranchwide Agreement, the existing nine back-country cabins could be maintained, improved, repaired, replaced, or reconstructed in their existing locations, within their existing footprints and without substantial increase in height. Cabins may only be relocated to another location if such activity does not impair the conservation value of the affected land. No new cabins could be constructed unless one of the existing nine cabins is removed or demolished; in this case, the new cabins would be constructed in the same footprint as the old cabins or in a location that avoids impacts to Covered Species. Sections 3.2.13, Hunting Cabins, in the Interim RWMP provides a compiled list of BMPs that are currently implemented to protect and preserve conservation values on the ranch associated with back-country cabin use and maintenance. These include, for example, ensuring that regular maintenance of the cabins is completed, and that cabins are maintained in a neat and orderly condition with potential attractants to native wildlife (e.g., microtrash) minimized; requiring that new cabins be subject to a site evaluation prior to construction to avoid potential effects on sensitive natural resources; and requiring that the design of new cabins either meet or exceed applicable building code and water and energy efficiency requirements (Tejon Ranch Company 2009).
- **Ancillary Ranch Structures.** Existing structures that support ranching activities in the Covered Lands include squeezes, loading chutes, holding and feeding fields, corrals, branding traps, barns, sewage disposal facilities, livestock and wildlife watering facilities, and ancillary ranch structures, as well as utilities serving ranch uses. Per the terms of the Ranchwide Agreement, ancillary ranch structures would be preserved and maintained throughout the Covered Lands under the No Action Alternative. In addition, ancillary ranch structures could be expanded, relocated, or constructed new to support ranch needs so long as the activity is *de minimis*, where *de minimis* activities do not include construction of new barns, roads, watering facilities that are not minor (stock ponds and modifications of springs, ponds, and other natural water bodies are not considered minor), power transmission lines and other associated facilities, oil and gas pipelines and associated facilities and other, similar types of activities. The enlargement, expansion, or new construction of ancillary ranch structures in existing locations (with the exception of back-country cabins described above), within existing footprints, and without a substantial increase in height, constitute *de minimis* activities; any other enlargement, expansion or new construction is not considered *de minimis*. Of note, non-*de minimis* activities associated with ancillary ranch structures would be allowed if the activity is located in disturbed areas (e.g., undergrounding utilities in road rights of ways), or avoids impacts to Covered Species and their habitats.

Section 3.2.9, Incidental Ranch Facilities, of the Interim RWMP provides a compiled list of BMPs that are currently implemented to protect and preserve conservation values on the ranch associated with ancillary ranch structure activities. These include, for example, requiring a site evaluation of proposed new structure to ensure they avoid potential effects on sensitive natural

resources, and ensuring existing structures are regularly maintained and free of unnecessary debris (e.g., microtrash) (Tejon Ranch Company 2009).

- **Fencing.** Existing fences would be maintained and new fencing could be constructed as required to support Existing Ranch Uses at historic levels throughout the Covered Lands. Sections 3.2.11, Fencing, in the Interim RWMP provides a compiled list of BMPs that are currently implemented to protect and preserve conservation values on the ranch during fencing activities. These include, for example, allowing the construction of new fencing only if it is determined to be reasonably necessary for operations purposes; where practicable, implementing “wildlife friendly” fencing of the type and design necessary to allow for passage of wildlife; and constructing fences in a manner that minimizes negative effects on natural resources (Tejon Ranch Company 2009).
- **Lebec/Existing Headquarters Uses.** The corporate headquarters for TRC are located immediately east of I-5 in the approximately 410-acre Lebec/Existing Headquarters Area. This area includes a number of corporate headquarters buildings, an antiques shop, a post office, a church, and several single-family residences. Existing activities in the Lebec/Existing Headquarters Area would continue to occur under the No Action Alternative.

## Open Space

Permanently preserved open space would be provided under the No Action Alternative consistent with the Ranchwide Agreement. Specifically, 106,317 acres would be permanently preserved in the Established Open Space Area and the Existing Conservation Easement Area. The in-perpetuity deed restriction over 21,350 acres of open space in the TMV Planning Area required by the Ranchwide Agreement would not be triggered, as the No Action Alternative would not include the buildout of the TMV Project.

## Commercial and Residential Development Activities

No Commercial and Residential Development Activities would occur under this alternative.

## 2.2.2 Proposed TU MSHCP Alternative (Preferred Alternative)

TRC has applied to the Service for an ITP pursuant to Section 10(a)(1)(B) of the ESA of 1973 (16 United States Code [U.S.C.] Sections 1531-1544, 87 Stat. 884), as amended, to address potential take of federally listed species and effects on non-federally listed species, collectively referred to as the Covered Species. To meet the requirements for a Section 10(a)(1)(B) permit, TRC has developed the TU MSHCP to address the potential effects of Commercial and Residential Development Activities and Plan-Wide Activities (Covered Activities) on 27 Covered Species. The requested term of the ITP is 50 years. The Service has provided TRC with technical assistance during the preparation of the TU MSHCP. Approval and issuance of an ITP based on the TU MSHCP constitutes the proposed action.

### 2.2.2.1 Species

Table 2-2 lists the 27 species that would be covered under the TU MSHCP, including four federally listed species: California condor (*Gymnogyps californianus*), least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), and valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*).

**Table 2-2. Covered Species – Proposed TU MSHCP Alternative**

Common Name	Scientific Name	Federal Status	State Status	CRPR List <sup>2</sup>
<b>Invertebrates</b>				
Valley elderberry longhorn beetle	<i>Desmocerus californicus dimorphus</i>	FT	None	None
<b>Amphibians</b>				
Tehachapi slender salamander	<i>Batrachoseps stebbinsi</i>	None	ST	None
Yellow-blotched salamander	<i>Ensatina eschscholtzii croceater</i>	None	SSC	None
Western spadefoot	<i>Spea hammondi</i>	None	SSC	None
<b>Reptiles</b>				
Two-striped garter snake	<i>Thamnophis hammondi</i>	None	SSC	None
Coast horned lizard (frontale and blainvillii populations)	<i>Phrynosoma coronatum</i>	None	SSC	None
<b>Birds</b>				
Tricolored blackbird	<i>Agelaius tricolor</i>	None	SSC	None
Burrowing owl	<i>Athene cunicularia</i>	None	SSC	None
Golden eagle	<i>Aquila chrysaetos</i>	None	SSC, FP	None
Western yellow-billed cuckoo	<i>Coccyzus americanus occidentalis</i>	FC	SE	None
Yellow warbler	<i>Dendroica petechia brewsteri</i>	None	SSC	None
White-tailed kite	<i>Elanus leucurus</i>	None	FP	None
Little willow flycatcher	<i>Empidonax traillii brewsteri</i>	None	SE	None
Southwestern willow flycatcher	<i>Empidonax traillii eximus</i>	FE	SE	None
American peregrine falcon	<i>Falco peregrinus anatum</i>	None	FP	None
California condor	<i>Gymnogyps californianus</i>	FE	SE, FP	None
Bald eagle	<i>Haliaeetus leucocephalus</i>	None	SE, FP	None
Purple martin	<i>Progne subis</i>	None	SSC	None
Least bell's vireo	<i>Vireo bellii pusillus</i>	FE	SE	None
<b>Mammals</b>				
Ringtail	<i>Bassariscus astutus</i>	None	FP	None
Tehachapi pocket mouse	<i>Perognathus alticolus inexpectatus</i>	None	SSC	None
<b>Plants<sup>1</sup></b>				
Kusche's sandwort	<i>Eremogone macradenia</i> var. <i>arcuifolia</i> (formerly <i>Arenaria macradenia</i> var. <i>kuschei</i> )	None	None	None
Tehachapi buckwheat	<i>Eriogonum callistum</i>	None	None	1B.1
Fort Tejon woolly sunflower	<i>Eriophyllum lanatum</i> var. <i>hallii</i>	None	None	1B.1
Round-leaved filaree	<i>California macrophyllum</i>	None	None	1B.1
Tejon poppy	<i>Eschscholzia lemmonii</i> ssp. <i>kernensis</i>	None	None	1B.1
Striped adobe lily	<i>Fritillaria striata</i>	None	ST	1B.1

Federal Status: FE=Listed as Endangered; FT=Listed as Threatened; FC=Federal Candidate

State Status: ST= State Listed as Threatened; SE=State Listed as Endangered; SSC= Species of Special Concern; FP=State Fully Protected

CRPR List 1B.1=Rare, threatened, or endangered in California and elsewhere; seriously endangered in California.

<sup>1</sup> The ESA does not prohibit take of listed plant species; therefore, incidental take of listed plant species is not conferred by an ITP. TRC incorporated measures into the TU MSHCP intended to conserve listed plant species in the Covered Lands and requested that the Service include these plant species on the ITP in recognition of the conservation benefits provided to these species under the plan, and to receive assurances for them under the Service's No Surprises assurances rule codified at 50 Code of Federal Regulations (CFR) 17.22(b)(5) and 17.32(b)(5). References to incidental take of covered plant species in this EIS means effects on or loss of the plant species resulting from Covered Activities.

<sup>2</sup> In March 2010, CDFG changed the name of the CNPS List or CNPS Ranks to California Rare Plant Rank (CRPR). This was done to reduce confusion over the fact that CNPS and CDFG jointly manage the Rare Plant Status Review groups (300+ botanical experts from government, academia, nongovernment organizations, and the private sector) and to indicate that the rank assignments are the product of a collaborative effort and not solely a CNPS assignment.

## 2.2.2.2 Activities Considered in the Analysis

### Plan-Wide Activities

Plan-Wide Activities under the Proposed TU MSHCP Alternative would occur in open space areas and generally include the Existing Ranch Uses described for the No Action Alternative in Section 2.2.1.2, Activities Considered in this Analysis, above. However, under the Proposed TU MSHCP Alternative, some additional development-related future uses (e.g., construction and use of emergency access roads and utility infrastructure), increased public access, and mitigation, monitoring and management activities would also be considered Plan-Wide Activities. In general, up to 200 acres could be disturbed to facilitate Plan-Wide Activities associated with the Proposed TU MSHCP Alternative.

Similar to Existing Ranch Uses under the No Action Alternative, Plan-Wide Activities would be subject to the BMPs and use restrictions required pursuant to the Ranchwide Agreement, as currently set forth in the Interim RWMP and as described below. All subsequent RWMPs would be required to reflect BMPs that protect the conservation values of the land, and would be reflected in the conservation easements required by the Ranchwide Agreement. Use restrictions and BMPs associated with the conservation measures in the TU MSHCP would also be implemented under this alternative and would include measures to reduce potential ground-disturbing effects associated with Plan-Wide Activities (e.g., BMPs to protect water quality near special-status species habitats). Finally, in accordance with the TU MSHCP, TRC would prepare a grazing management plan, integrated pest management plan (IPMP), fuel management plan and public access plan to guide the management of the Covered Lands, each of which would be subject to review by the Service. A starling management plan (if warranted through annual monitoring) would also be prepared for review by the Service.

The extent to which the Plan-Wide Activities differ from the No Action Alternative Existing Ranch Uses is discussed below.

- **Livestock Grazing and Range Management Activities.** Livestock grazing and range management activities would continue under the Proposed TU MSHCP Alternative in open space areas. Grazing levels similar to historic levels (approximately 14,500 cattle) would continue consistent with current practices. The BMPs and use restrictions required pursuant to the Ranchwide Agreement, as described for Existing Ranch Uses under the No Action Alternative and as currently set forth for livestock grazing and range management activities in the Interim RWMP, would continue to be implemented. Future revisions to the RWMP and grazing management plan would be subject to Service review and approval for consistency with the TU MSHCP, ESA, and any applicable recorded conservation easement restrictions.
- **Fuel Management.** Grazing would continue to be the primary fuel management activity under the Proposed TU MSHCP Alternative. For the areas adjacent to development areas, fuel management would be governed by a fire protection plan approved by Kern County; for the

other open space areas, fuel management would continue as provided in the No Action Alternative. The BMPs and use restrictions required pursuant to the Ranchwide Agreement, as described for Existing Ranch Uses under the No Action Alternative and as currently set forth in the Interim RWMP would continue to be implemented, including measures to prohibit and limit the use of fireworks and campfires. In addition, where fuel management activities would result in ground disturbance, preconstruction surveys for special-status species and nesting birds would be conducted, and species-specific avoidance measures implemented, as appropriate. Future revisions to the RWMP and fuel management plan, would be subject to Service review and approval for consistency with the TU MSHCP, ESA, and any applicable recorded conservation easement restrictions.

- **Filming.** Filming activities would generally proceed under the Proposed TU MSHCP Alternative to the same extent as the No Action Alternative. The BMPs and use restrictions required pursuant to the Ranchwide Agreement as described for Existing Ranch Uses under the No Action Alternative and as currently set forth in the Interim RWMP for filming activities, would continue to be implemented. In addition, the Proposed TU MSHCP Alternative would require that a qualified biologist accompany each film crew to monitor daily cleanup of microtrash, to provide educational materials, to prohibit construction of permanent structures or production facilities, and to limit the use of fireworks or explosive louder than a gunshot in the TU MSHCP Mitigation Lands unless approved by a Service-approved biologist. Future revisions to the RWMP would include provisions for implementing additional ground-disturbance BMPs (e.g., preconstruction surveys for special-status species and nesting birds), which may apply to filming activities, and which would be subject to Service review and approval for consistency with the TU MSHCP, ESA, and any applicable recorded conservation easement restrictions.
- **Recreation.** Recreation activities would generally remain as set forth in the No Action Alternative. Some additional public recreation activities may be allowed under this alternative, including commercial recreation uses in the TU MSHCP Mitigation Lands, provided that they comply with a public access plan that would be subject to Service review and approval for consistency with the TU MSHCP, ESA, and any applicable recorded conservation easement restrictions, both during and following the end of the permit term (i.e., in perpetuity). The BMPs and use restrictions required pursuant to the Ranchwide Agreement, as described for Existing Ranch Uses under the No Action Alternative and as currently set forth in the Interim RWMP for recreation activities would continue to be implemented. For example, in areas managed by the Tejon Ranch Conservancy, recreation access would only be allowed with qualified guides and docents, or in accordance with visitor guidelines that include a list of prohibited activities including, but not limited to, fireworks, smoking, littering, or driving off road. At a minimum, these activities would be required to avoid sensitive habitats and known occurrences of Covered Species, and would require the use of existing roads and trails where possible. In the TMV Planning Area Open Space, recreation would generally be limited to private residents and guests, and would be subject to the terms of a Service-approved public access plan, including such provision for management of trails, maintenance structures, environmental conservation research facilities, and restrooms.

Development of any future recreation facilities, such as relocation of the Pacific Crest National Scenic Trail onto Covered Lands, or establishment of a state park or University of California Natural Reserve on the Covered Lands, have not been formally proposed and are not Covered Activities under the Proposed TU MSHCP Alternative (2.1.2, Overview of Activities Considered in the Alternatives – Ranchwide Agreement). Any such program would be required to comply with the TU MSHCP, ESA, and any applicable recorded conservation easement restrictions. If such programs include activities that are beyond the scope of the Covered Activities, further ESA authorization may be required at that time.

- **Farming, Irrigation and Water Diversion Activities.** Farming, irrigation, and water diversion activities would continue to take place to the same extent as set forth in the No Action Alternative, subject to the same Ranchwide Agreement restrictions on groundwater extraction and surface alteration for water storage. The BMPs and use restrictions required pursuant to the Ranchwide Agreement, as described for Existing Ranch Uses under the No Action Alternative and as currently set forth in the Interim RWMP for farming activities would continue to be implemented. Future revisions to the RWMP would include provisions for implementing additional ground-disturbance BMPs (e.g., preconstruction surveys for special-status species and nesting birds), which may apply to farming activities, and which would be subject to Service review and approval for consistency with the TU MSHCP, ESA, and any applicable recorded conservation easement restrictions.
- **Repair, Maintenance, and Use of Roads.** Existing road repair, maintenance, and use would continue to the same extent and generally under the same limitations as set forth for the No Action Alternative. Construction of new roads in open space to serve development would generally be prohibited, with the exception that an emergency vehicle access roadway be required by Kern County. The emergency vehicle access road would not be a general use road; it would only be accessed for emergency vehicles or emergency evacuation, and would be subject to the 200-acre permanent ground disturbance limit for Plan-Wide Activities. It is anticipated that any new emergency vehicle access road would follow existing ranch roads to the extent possible. The BMPs and use restriction required pursuant to the Ranchwide Agreement, as described for Existing Ranch Uses under the No Action Alternative and as currently set forth in the Interim RWMP for road-related activities would continue to be implemented. Future revisions to the RWMP would include provisions for implementing additional ground-disturbance BMPs (e.g., preconstruction surveys for special-status species and nesting birds), which may apply to road-related activities, and which would be subject to Service review and approval for consistency with the TU MSHCP, ESA, and any applicable recorded conservation easement restrictions.
- **Utilities.** Similar to Existing Ranch Uses under the No Action Alternative, existing utilities may be used, maintained, repaired, or replaced in their existing location and footprint. Utility use under the Proposed TU MSHCP Alternative would generally include third-party utilities, development-related utilities, and ranch utilities, as summarized below.
  - **Third-Party Utilities.** Various major utilities (e.g., gas pipelines, power transmission lines) currently exist on or cross the Covered Lands. Most of these utilities are owned and operated by third parties pursuant to existing easements. Such third-party utilities would not have incidental take authority under the Proposed TU MSHCP Alternative, and expansion or construction of new utilities pursuant to existing easements is not considered a Covered Activity.
  - **Utilities to Serve Development.** Utilities to serve development would be contained solely in the TMV Planning Area and restricted as follows:
    - Within the TMV Planning Area, relocation within 1,000 feet of the existing alignment of:
      - (1) an aboveground transmission line located within TMV Specific Plan Area 1 and 5;
      - (2) an aboveground transmission line in the vicinity of the Lebec Road-I-5 Interchange;
      - (3) temporary relocation of an existing aboveground transmission line that would run east from I-5, just north of Castac Lake, and which would be undergrounded within the TMV Planning Area after construction is complete; and (4) possible temporary relocation of smaller aboveground lines during construction.
    - In the development areas, development of new and expanded utilities, other than the aboveground transmission lines, provided that such utilities would either be undergrounded (including all new power lines) or, if aboveground, such utilities,

including without limitation water tanks, electrical substations, and water and sewage treatment facilities to serve development areas, would be constructed in locations, as feasible, where they are not visually prominent and minimize effects on sensitive resources.

- In the TMV Planning Area Development Envelope, construction of two communication towers under 70 feet, as required by Kern County.
- Smaller cell phone antennas, radio antennas, and other similar vertical communication structures would be a permitted use within the development envelope as long as such structures/antennas are (1) no higher than 10 feet above houses or buildings (taller structures shall require the review and approval of the Service), assuming the height limits for houses or buildings within the TMV Specific Plan vary between 35 and 45 feet; (2) installed within the TMV Planning Area Development Envelope and/or Lebec/Existing Headquarters Area; (3) contain antiperching devices on potential perching surfaces; and (4) are located closer to trees where practicable and consistent with effective operations of communication systems.
- Wind farms are prohibited except that individual wind turbine devices, which have the primary purpose to serve electrical generation needs on site, may be constructed following review and approval by the Service.
- In the TMV Planning Area Open Space, construction of utilities underground in existing roadways or disturbed areas, as well as a temporary, above-ground emergency water line along or adjacent to the existing ranch road that borders the Condor Study Area. To the extent that TRC determines it is not feasible to locate utilities underground in existing roadways, disturbed areas, or development areas outside of sensitive resource areas, the location would be subject to Service review and approval.
- **Utilities to Serve the Ranch.** Various minor utility facilities serve Existing Ranch Uses, as described above (see Ancillary Ranch Activities, above). Continued use of these utilities would occur under the Proposed TU MSHCP Alternative.

The BMPs and use restrictions required pursuant to the Ranchwide Agreement, as described for Existing Ranch Uses under the No Action Alternative and as currently set forth in the Interim RWMP for utility-related activities, would continue to be implemented. Where utility activities involve ground disturbance in the Covered Lands, additional ground-disturbance BMPs (e.g., preconstruction surveys for special-status species and nesting birds) would be implemented. Future revisions to the RWMP, as well as revisions to the other management plan, e.g., fuel management plan, would be subject to Service review and approval for consistency with the TU MSHCP, ESA, and any applicable recorded conservation easement restrictions.

- **Back-Country Cabins.** Similar to the No Action Alternative, the nine back-country cabins in the Covered Lands could be maintained, improved, repaired, replaced, or reconstructed in their existing location, within their existing footprint and without substantial increase in height under the Proposed TU MSHCP Alternative. Expansion, construction, relocation, or removal of any of the nine cabins would only occur with the approval of the Service, if it is determined that such activity is consistent with the TU MSHCP, ESA, and any applicable recorded conservation easement restrictions, and provided that none of the seven cabins currently located outside of the Condor Study Area are relocated to the Condor Study Area. No new cabins could be constructed unless one of the existing nine cabins within the Covered Lands is removed or demolished (the existing cabin within the TMV Specific Plan Development Envelope is considered removed). Power for relocated cabins would be required to be undergrounded, or generated on or near the cabin location, and would be subject to review and approval by the Service.

The BMPs and use restrictions required pursuant to the Ranchwide Agreement, as described for Existing Ranch Uses under the No Action Alternative and as currently set forth in the Interim RWMP for hunting cabins, would continue to be implemented. Future revisions to the RWMP would include provisions for implementing additional ground-disturbance BMPs (e.g., preconstruction surveys for special-status species and nesting birds), which may apply to use, maintenance, expansion, construction, relocation, or removal of back-country cabins, and, along with revisions to other management plans (e.g., public access plan), would be subject to Service review and approval for consistency with the TU MSHCP, ESA, and any applicable recorded conservation easement restrictions.

- **Ancillary Ranch Structures.** Ancillary ranching activities, including the use, maintenance, repair and replacement of ancillary ranch structures, as well as non-*de minimis* uses in disturbed areas or after approval from the Service, would proceed generally to the same extent as under the No Action Alternative. The BMPs and use restrictions required pursuant to the Ranchwide Agreement, as described for Existing Ranch Uses under the No Action Alternative and as currently set forth in the Interim RWMP for incidental ranch facilities, would continue to be implemented. Future revisions to the RWMP would include provisions for implementing additional ground-disturbance BMPs (e.g., preconstruction surveys for special-status species and nesting birds), which may apply to activities associated with the use, maintenance, or construction of ancillary ranch facilities, and, along with revisions to other management plans (e.g., grazing management plan), would be subject to Service review and approval for consistency with the TU MSHCP, ESA, and any applicable recorded conservation easement restrictions.
- **Fencing.** Maintenance and construction of fencing would occur generally to the same extent as under the No Action Alternative. The BMPs and use restrictions required pursuant to the Ranchwide Agreement, as described for Existing Ranch Uses under the No Action Alternative and as currently set forth in the Interim RWMP for fencing would continue to be implemented. Future revisions to the RWMP would include provisions for implementing additional ground-disturbance BMPs (e.g., preconstruction surveys for special-status species and nesting birds), which may apply to fencing-related activities, and, along with revisions to other management plans (e.g., grazing management plan), would be subject to Service review and approval for consistency with the TU MSHCP, ESA, and any applicable recorded conservation easement restrictions.
- **Lebec/Existing Headquarters Uses.** Existing headquarters activities would continue to the same extent as in the No Action Alternative. Proposed development activities on 410 acres of the Lebec/Existing Headquarters Area are considered a Commercial and Residential Development Activity in this EIS, as described under Commercial and Residential Development Activities below.
- **Mitigation, Monitoring, and Management Activities.** Mitigation, monitoring, and management activities include those activities necessary to carry out identified biological goals and objectives for Covered Species included in the TU MSHCP, or terms, conditions, or mitigation requirements from resource agencies, including the Service, permit processes associated with Commercial and Residential Development Activities, as well as other mitigation or enhancement activities reviewed by the Service.

Under specific circumstances, hazing, capture, and relocation of California condors by Service biologists may be undertaken to avoid or minimize injury to and prevent mortality of individuals. These activities are authorized by a separate research and recovery permit, pursuant to Section 10(a)(1)(A), held by the Service.

## Open Space

The Proposed TU MSHCP Alternative would permanently preserve 93,522 acres of Established Open Space and 23,001 acres of TMV Planning Area Open Space. These areas account for approximately 116,523 acres, or 82% of the Covered Lands, and are collectively referred to as the TU MSHCP Mitigation Lands. Additionally, 12,795 acres of Existing Conservation Easement Areas have been acquired under the terms of the Ranchwide Agreement and would be managed in accordance with applicable recorded conservation easement restrictions. With the addition of the Existing Conservation Easement Areas, a total of 129,318 acres, or 91%, of the Covered Lands, would be permanently preserved as open space under this alternative. A more detailed description of the open space areas associated with the Proposed TU MSHCP Alternative is provided below, and summarized in Table 2-6.

Other than certain development-related additions to the Plan-Wide Activities, as described above, no development would occur in open space areas under the Proposed TU MSHCP Alternative.

### TU MSHCP Mitigation Lands

As described above, the TU MSHCP Mitigation Lands comprise Established Open Space and TMV Planning Area Open Space. Established Open Space consists of approximately 93,522 acres of the Covered Lands, including the whole of the approximately 37,099-acre Condor Study Area. Potential commercial and residential development of this area consistent with the Kern County General Plan would not occur. This area would be preserved in perpetuity as mitigation under the Proposed TU MSHCP Alternative, and such conservation would be subject to the terms of the TU MSHCP Implementing Agreement and any applicable recorded conservation easement restrictions.

TMV Planning Area Open Space consists of approximately 23,001 acres in the 28,253-acre TMV Planning Area and would be permanently preserved as open space. The TMV Planning Area Open Space includes the 21,335 acres of open space required by the TMV Project and 1,666 acres that is equivalent to the Oso Canyon acreage. The exact boundaries of this open space would be set when the final development tentative tract maps are submitted to Kern County. The TMV Planning Area Open Space would be required to be preserved as mitigation for the TMV Project, and such conservation would be subject to the terms of the TU MSHCP Implementing Agreement and any applicable recorded conservation easement restrictions.

Dedicated conservation of TU MSHCP Mitigation Lands would be phased according to the terms of the Implementing Agreement. A conservation easement is required to be recorded on the 47,871 acres of Initial Mitigation Lands, which include the 37,099-acre Condor Study Area portion of the Established Open Space and a 10,722-acre portion of the TMV Planning Area Open Space (Figure 2-4), prior to grading of the TMV Project. The Service may, at their discretion, agree to extend the obligation to record a conservation easement over the TMV Planning Area Open Space portion of the Initial Mitigation Lands. If such an extension is granted, TRC must record an irrevocable offer to dedicate prior to initiation of grading of the TMV Project. Conservation of the remaining 68,752 acres of TU MSHCP Mitigation Lands, which include the areas of the Established Open Space outside of the Condor Study Area (Figure 2-4) and the remaining 12,229 acres in the TMV Planning Area that would be set by the final development boundaries, would be committed in accordance with the requirements set forth in the Implementing Agreement.

### Other Permanently Preserved Open Space

Existing Conservation Easement Areas consist of approximately 12,795 acres (Figure 2-4). The Ranchwide Agreement provided the Resource Groups with the option to acquire conservation easements over approximately 12,795 acres of the Covered Lands during the option period. These options were exercised and the conservation easements recorded in March 2011; therefore, the

Existing Conservation Easement Areas would be subject to permanent protection, including a conservation easement, and would be managed consistent with the terms of the applicable recorded conservation easement under this alternative. These areas could be improved and/or enhanced as mitigation for other TRC needs.

## Commercial and Residential Development Activities

Under the Proposed TU MSHCP Alternative, Commercial and Residential Development Activities in the Covered Lands would be limited to the 28,253-acre TMV Planning Area and the 410-acre Lebec/Existing Headquarters Area (Figure 2-5). In addition, operation and future expansion of infrastructure on 16 acres of a small parcel owned by the California Department of Water Resources (DWR) would be conducted by the Tejon-Castac Water District (TCWD) for its Bear Trap Turnout water system infrastructure to serve development. Provision of water and wastewater services to the development is a Covered Activity for which TRC would issue a Certificate of Inclusion to TCWD.

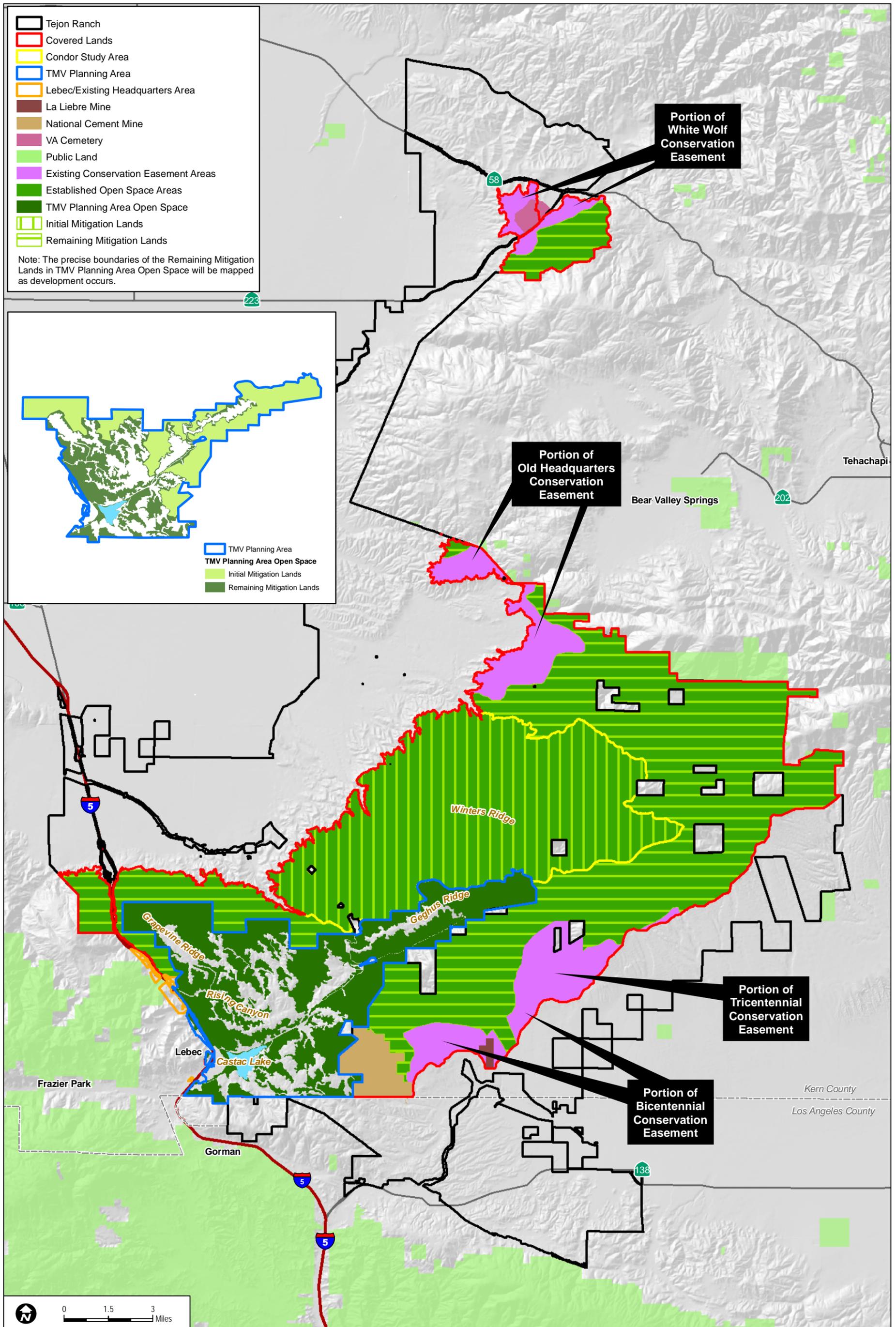
Approximately 26,417 acres of the TMV Planning Area is within the boundaries of the TMV Specific Plan Area approved for the TMV Project by Kern County on October 5, 2009. Under this alternative, the TMV Planning Area and the Lebec/Existing Headquarters Area would be developed in a manner consistent with the TMV Specific Plan and Kern County General Plan, as described below. Under the Proposed TU MSHCP Alternative, a total of 3,632 dwelling units and 1,804,390 square feet of commercial space would be constructed. This development would result in a Disturbance Area of approximately 5,533 acres<sup>4</sup>, or 4% of the Covered Lands, and would include disturbance of up to 5,252 acres in the TMV Planning Area; 265 acres in the Lebec/Existing Headquarter Area; and 16 acres to operate and/or expand the TCWD facilities. The Disturbance Area would be located within the larger 8,817-acre Development Envelope considered for this alternative (Table 2-1).

**TMV Planning Area.** The TMV Planning Area has three primary components: the TMV Specific Plan Area, Oso Canyon, and an area known as West of Freeway. The total development assumed to occur in the TMV Planning Area under the Proposed TU MSHCP Alternative includes 3,624 dwelling units and 464,920 square feet of commercial development in an approximately 5,252-acre Disturbance Area as follows:

- The TMV Specific Plan Area is approximately 26,417 acres of the 28,253-acre TMV Planning Area in the southwest portion of the Covered Lands. This portion of the TMV Planning Area includes the low-density TMV Project. The TMV Project would include up to 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 (e.g., hotel lobby support services, food and beverage service, golf clubhouses, equestrian facilities, and private recreation facilities). The Proposed TU MSHCP Alternative would include various planning and enforcement mechanisms to minimize disturbance associated with the planned development (Section 7.2, Avoidance, Minimization, and Mitigation Measures, of the TU MSHCP). The net development Disturbance Area associated with the TMV Specific Plan Area is approximately 5,082 acres.
- No development is currently proposed in the 1,666-acre Oso Canyon, but if development were to proceed there, the total Disturbance Area allowed in the TMV Specific Plan Area could not increase. Any such development would be subject to the development yields proposed in the

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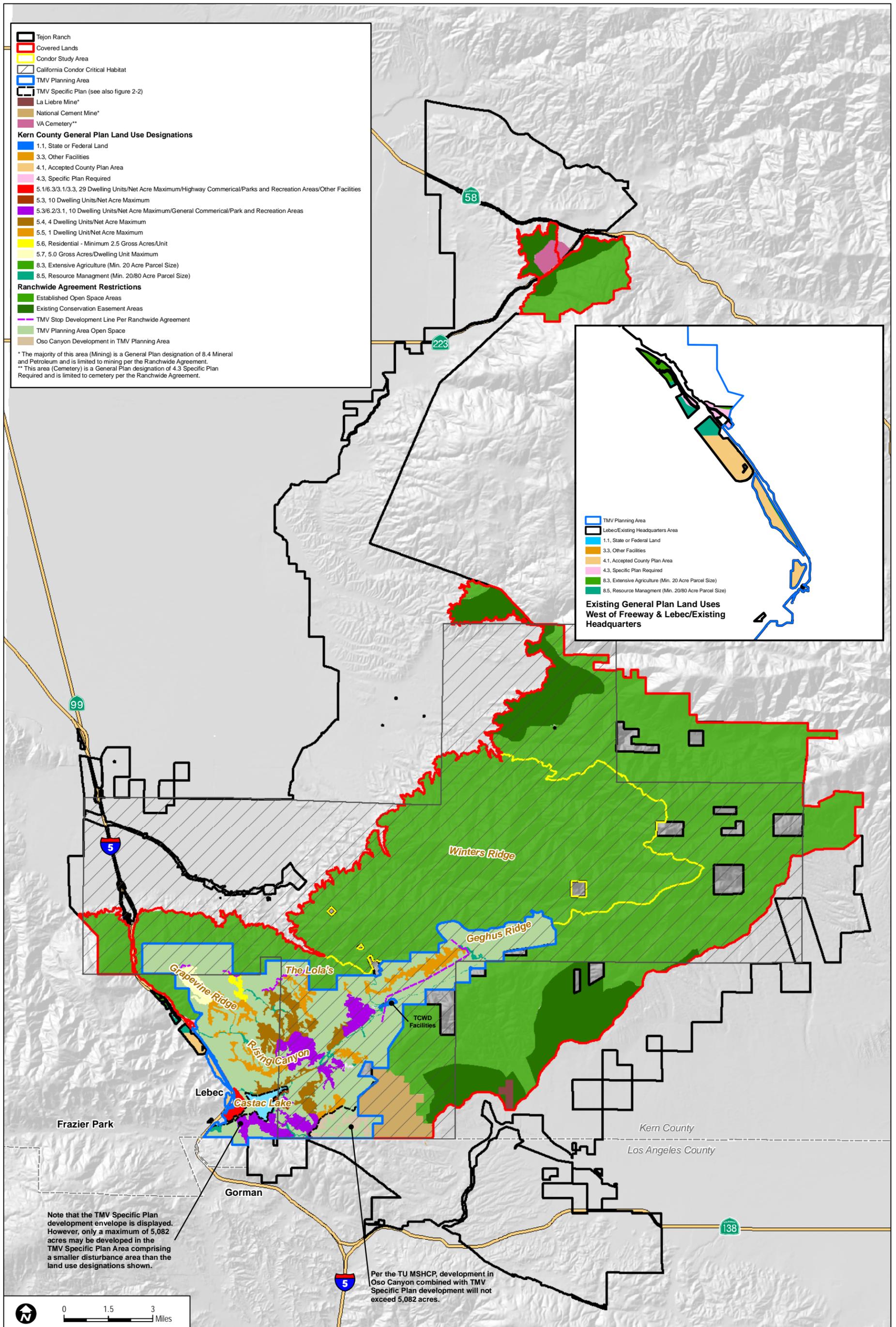
<sup>4</sup> Although the Disturbance Area would not exceed 5,533 acres, it may occur anywhere within a development envelope of 8,817 acres (7,860 acres for the TMV Specific Plan Area, 506 acres for Oso Canyon, 170 acres for West of Freeway, 265 acres for Lebec/Existing Headquarters Area, and 16 acres for TCWD facilities). As such, where the effects of the TU MSHCP related to ground disturbance on biological resources are analyzed quantitatively in this EIS, the larger development envelope of 8,817 acres is used (as further described in Section 4.1, Biological Resources).



SOURCE: TRC 2007

**FIGURE 2-4**  
**Proposed TU MSHCP Conserved Lands**





SOURCE: TRC 2007

**FIGURE 2-5**  
**Proposed TU MSHCP & Condor Only HCP Alternative**



TMV Specific Plan Area and would not result in additional land disturbance, dwelling units or commercial space.

- Development in the area West of Freeway is assumed to proceed consistent with the current general plan designations. This 170-acre area consists of two subareas: a 153-acre portion of the Covered Lands located west of I-5, which is assumed to be developed with 173 dwelling units and 304,920 square feet of commercial space, consistent with the Kern County General Plan land use designations in this area; and a 17-acre area designated for extensive agriculture in the Kern County General Plan that could be developed with one dwelling unit. Therefore, a dwelling unit and an associated 17-acre Disturbance Area has been included in the analysis in this EIS. Together, the area known as West of Freeway is considered to have 170 acres of Disturbance Area. No development plans currently exist for this area.

**Lebec/Existing Headquarters Area.** Although no development plans currently exist for the 410-acre Lebec/Existing Headquarters Area, the Proposed TU MSHCP Alternative assumes development consistent with the current general plan designations, which would allow for up to nine dwelling units and 1,339,470 square feet of commercial development. Under this alternative, 265 acres is assumed to be disturbed.

**TCWD Parcel.** As described previously, up to 16 acres of land may be used to operate and/or expand TCWD water system infrastructure facilities.

Under this alternative, the population would be expected to increase by 11,441 people.

### 2.2.2.3 Conservation Measures

A number of conservation measures would be undertaken under the Proposed TU MSHCP Alternative, subject to Service oversight, to minimize and mitigate effects from the Covered Activities on the Covered Species. The primary conservation measure under the Proposed TU MSHCP Alternative is the permanent conservation of at least 116,523 acres (82%) of the Covered Lands as TU MSHCP Mitigation Lands, as described above and provided for in the Implementing Agreement. In addition, the 12,795 acres of Existing Conservation Easement Areas acquired pursuant to the terms of the Ranchwide Agreement would be managed consistent with the terms of the applicable recorded conservation easement. Upon initiation of construction of the TMV Project, the TU MSHCP Mitigation Lands would be permanently protected by phased recordation of conservation easements or equivalent legal restrictions over all such lands. These areas would be managed in a manner consistent with their historic use, to preserve their conservation value for the Covered Species.

The Proposed TU MSHCP Alternative would also include species- and habitat-specific avoidance, minimization, and mitigation measures intended to further conservation and recovery of the California condor and conservation of suitable habitat for the Other Covered Species, and to minimize effects on individual plants and animals resulting from the Covered Activities. The conservation measures that would be included in the Proposed TU MSHCP Alternative are provided in Tables 2-3 (California condor) and 2-4 (Other Covered Species). Together, the conservation measures presented in these tables form the key elements of the conservation strategy for the Covered Species. Unless otherwise noted, all of the condor conservation measures provided in Table 2-3 apply in perpetuity, run with the land, and will be recorded in the Kern County Recorder's Office through a declaration of restriction in the form of a Memorandum of Permit over the Covered Lands. The Memorandum of Permit will be referenced in the recorded TMV Master covenants, conditions, and restrictions (CC&R), recorded TMV Commercial CC&Rs, TMV and TRC access permits, certificates of inclusions, land sale documents, easements, lease agreements, and filming contracts within the Covered Lands. For more detail, refer to Sections 4.4, Avoidance, Minimization, and Mitigation Measures, and 7.2, Avoidance, Minimization, and Mitigation Measures, of the TU MSHCP.

**Table 2-3. California Condor Avoidance, Minimization, and Mitigation Measures under the Proposed TU MSHCP Alternative**

Type of Measure	Avoidance, Minimization, or Mitigation Measure <sup>1</sup>
Measures to Address Collisions with Powerlines and Utility Structures	<p>(1) Within the TMV Planning Area and Lebec/Existing Headquarters Area, design restrictions and review and approval processes will be required for new vertical communication structures, as set forth below:</p> <ul style="list-style-type: none"> <li>a. TRC may install two towers (PA-2 and DF-1 [see Figure 4.1-2 in Section 4.1, Biological Resources]): one at approximately 68 feet in height (including antennae), and the other at approximately 65 feet in height (including antennae), at two separate locations in the TMV Planning Area Development Envelope in order to provide suitable radio communication coverage. Both towers will incorporate condor anti-perching devices. For the PA-2 tower, TRC will consult with the Service regarding the feasibility of locating the tower downslope (closer to trees), and agrees to do so to the extent feasible as determined by the County. The placement of any future communication towers to meet public safety requirements on the Covered Lands is subject to Service review and approval. Such factors as tower height and construction design, historic and existing condor flight patterns over the ranch, and proximity to existing towers and structures shall be considered as part of this review. The towers shall be self-supporting (i.e., no guide wires shall be included as part of the design) and towers that provide the potential for perching shall be designed to include anti-perching devices suitable to deter condors from perching on the towers. The design and location of the anti-perching devices are also subject to review and approval by the Service.</li> <li>b. Smaller cell phone antennas, radio antennas, and other similar vertical communication structures are a permitted use within the development footprint as long as such structures/antennas adhere to the following criteria: (a) the structures shall be no higher than 10 feet above houses or buildings (taller structures shall require review and approval by the Service), assuming the height limits for houses or buildings within the TMV Specific Plan Area vary between 35 and 45 feet; (b) the structures shall be installed within the TMV Planning Area Development Envelope and/or Lebec/Existing Headquarters Area; (c) if the structure contains surfaces suitable for perching by condors, the structure shall contain anti-perching devices on such surfaces to deter condors from perching; (d) the structures shall be visible so as to be clearly differentiated from nearby vegetation, other structures, and topography; and (e) the structures shall be located closer to trees where practicable and consistent with effective operations of communication systems. TRC shall confer with the Service regarding the placement of the antenna and structure during preparation of tentative tract maps and corresponding grading plans.</li> <li>c. All communication tower sites shall be kept clean of debris, such as cable, trash and construction materials.</li> </ul>

Type of Measure	Avoidance, Minimization, or Mitigation Measure <sup>1</sup>
Measures to Address Collisions with Powerlines and Utility Structures (cont.)	<p>(2) Within Covered Lands, construction or maintenance by TRC or any third party under TRC's control of any new vertical communication or other utility structure outside of existing antenna farms, excluding flexible or small antennas (e.g., whip antennas) under 20 feet in height, is prohibited; provided, however, that TRC may request, and the Service shall review and may approve the design and location of any such vertical communication structures. Such factors as tower height and construction design, historic and existing condor flight patterns over the ranch, and proximity to existing towers and structures shall be considered as part of this review. The towers shall be self-supporting (i.e., no guide wires shall be included as part of the design) and shall be kept clean of debris, such as cable, trash and construction materials. Towers that provide the potential for perching shall be designed to include anti-perching devices suitable to deter condors from perching on the towers. The design and location of the anti-perching devices is also subject to Service review and approval.</p> <p>(3) Within Covered Lands, no wind farms will be constructed (and TRC agrees to expand the ban to all ranch lands) during the term of the ITP. Additionally, the prohibition on wind farms shall be maintained on the TU MSHCP Mitigation Lands in perpetuity. Notwithstanding the foregoing, individual wind turbine devices, which have the primary purpose to serve electrical generation needs on site, may be constructed following review and approval by the Service, if the Service determines that the device is of a design and in a location that would not pose a threat to condors (e.g., vertical blade designs within screened cylinders may be appropriate, but open blade designs likely to cause condor fatality in the event of a collision may not be appropriate). TRC also commits in perpetuity not to amend or terminate its negative easement right prohibiting wind farms on Gorman Ranch, outside the Covered Lands.</p> <p>(4) Within the Covered Lands, no new aboveground high voltage tower and transmission line, or similar aboveground electrical transmission structure and line, will be built by TRC. The following existing towers and lines may be relocated within 1,000 feet of existing lines as long as the potential for injury or harm to condors will be minimized with the installation of anti-perching devices: (1) a transmission line located within TMV Specific Plan Area 1 and 5; (2) a transmission line in the vicinity of the Lebec Road-I-5 Interchange; (3) an existing aboveground transmission line that runs east from I-5, just north of Castac Lake will be temporarily relocated during construction, and proposed for undergrounding within the TMV Planning Area; and (4) smaller lines may be temporarily relocated during construction. Additional relocated transmission or distribution lines are prohibited unless approved by the Service following review. All new transmission and distribution lines built by TRC will be placed underground.</p>

Type of Measure	Avoidance, Minimization, or Mitigation Measure <sup>1</sup>
Measures to Address Collisions with Powerlines and Utility Structures (cont.)	<p>(5) Within the Covered Lands, to the extent allowed by law and applicable contracts, TRC will require new agreements with entities that have the authority to place any new aboveground power, communication towers, or other utility lines on the ranch, to place any such facilities only with the consent of TRC. Additionally, TRC will seek to enter into consensual agreements with those entities that may otherwise exercise such authority without the consent of TRC. Such agreements will provide for measures to minimize the potential for injury or harm to condors, including requiring such structures to be fitted with anti-perching devices and located within existing utility corridors to the extent practicable. TRC may also encourage such entities, including entities installing underground utilities, to seek certificates of inclusion or become “lessees” under the ITP. These activities are not “Covered Activities” unless they are located on Covered Lands and are conducted by TRC or by entities that have become third-party lessees as defined in the Implementing Agreement, certificate of inclusion holders, or operate under required or consensual agreements written or modified to give TRC control, including authority to require compliance with all applicable TU MSHCP and ITP requirements. Failure to obtain an agreement with an entity over which TRC does not have control is not considered a violation of the TU MSHCP or the ITP.</p>
Measures to Address Microtrash	<p>(6) TRC or an included entity will prepare condor educational materials and implement a training program such as printed brochures or other media (e.g., video) that will include information concerning the life history of the California condor, where condors potentially occur within the TMV Planning Area, prohibited behaviors related to condors such as the feeding, pursuit, capture, and harassment of individual condors, and other potential direct interaction with condors. The information shall also identify types of microtrash that could be ingested by condors and describe measures to eliminate microtrash at and near all construction sites, recreation areas, outdoor filming projects, roads, and back-country areas where human presence occurs. The education program will include training of key personnel at TRC, appropriate signage at trailheads or entrances to open space areas, and dissemination of pertinent information at onsite nature centers and other public areas. The educational materials will be disseminated to TMV project construction and work crews, film crews, residents, guests and visitors, particularly those engaging in recreation activities that could put them in close proximity to condors. Project land managers will be empowered to take action to prevent any such activity that would pose a threat to condors. This measure will be included in implementation documentation as appropriate under the Memorandum of Permit.</p>

Type of Measure	Avoidance, Minimization, or Mitigation Measure <sup>1</sup>
Measures to Address Microtrash (cont.)	<p>(7) The following condor protection measures shall be implemented and documented as appropriate under the Memorandum of Permit:</p> <ul style="list-style-type: none"> <li>a. Master Developer’s Construction Crews—All construction contracts let by the Master Developer shall include provisions requiring the general and subcontractors to provide construction workers with educational materials describing condor protection measures.</li> <li>b. Residential or Commercial Construction Crews—All land sale contracts issued by the Master Developer shall include provisions requiring future residential and commercial property owners to provide construction workers with educational materials describing condor protection measures.</li> <li>c. Film Crews—All TRC film crew contracts shall include provisions requiring the film companies to provide crew members with educational materials describing condor protection measures.</li> <li>d. Residents—The Master covenants, conditions, and restrictions (CC&amp;R) shall include requirements for the property manager to distribute educational material describing condor protection measures on an annual basis. The CC&amp;Rs shall also include enforcement language related to condor protection.</li> <li>e. Resort Guests—The CC&amp;Rs included in the resort, and any land sale contract or management agreement, shall include provisions requiring the property management company to provide resort guests with educational materials describing condor protection measures.</li> <li>f. Ranch Visitors—All Entry Permits for back-country areas will include educational material describing condor protection measures.</li> </ul> <p>(8) TRC or an included entity will ensure that routine community maintenance activities include regular efforts to eliminate microtrash at and near all work sites, recreation events, filming projects, roads, and back-country areas where human presence occurs. All trash receptacles will be fitted with animal and weather-resistant lids, will be regularly emptied, and will regularly be inspected by the Service-approved Tejon Ranch Staff Biologist. This measure will be included in implementation documentation as appropriate under the Memorandum of Permit. The CC&amp;Rs will include provisions authorizing the Master and Commercial Maintenance Associations, as relevant, to promulgate from time to time rules and regulations recommended by the Service-approved Tejon Ranch Staff Biologist to address microtrash and trash receptacles and to enforce such rules and regulations, which shall be consistent with and no less stringent than the conservation measures.</p> <p>(9) The Service-approved Tejon Ranch Staff Biologist, or designated TRC employees or consultant, will be assigned to all film crews to enforce rules regarding discarding of microtrash items and will require a thorough daily clean-up by the filming entity during and immediately upon completion of all film shoots to eliminate any microtrash that may have accumulated.</p>

Type of Measure	Avoidance, Minimization, or Mitigation Measure <sup>1</sup>
Measures to Address Disturbance of Condors	(10) A condor educational curriculum, as provided above, will be created and disseminated that will include information concerning prohibited behaviors related to condors such as the pursuit, capture, harassment, and all other potential direct interaction of the species.
	(11) Construction workers, filming crews, TRC staff, and residential and commercial occupants and their guests will be required to cease any behavior which constitutes an attractive nuisance or otherwise presents an unreasonable and avoidable danger to California condors upon direction by TRC and in coordination with the Service-approved Tejon Ranch Staff Biologist. Pursuant to the Memorandum of Permit, documentation describing this prohibition will not list such behaviors in detail, but will provide examples and authorize the Service-approved Tejon Ranch Staff Biologist, in consultation with the Service, to respond to changing California condor behaviors, human activities, and other conditions with whatever restrictions are necessary to provide the protection intended.
	(12) Recreation activities, particularly organized events, and filming projects in areas where condors are known or expected to occur, will be closely regulated to minimize any effects that could disturb feeding or roosting condors. Such regulation can include the dissemination of information regarding condors, through access permits, or in the case of film production, filming contracts, monitoring by the Service-approved Tejon Ranch Staff Biologist, and potential setbacks for localized roosting and feeding behaviors near a carcass location.
	(13) Fireworks, explosions (louder than gunshots) or other abnormally loud noises are prohibited in the TU MSHCP Mitigation Lands unless the Service-approved Tejon Ranch Staff Biologist determines, in consultation with the Service, that no condors are present or would otherwise be adversely affected by the fireworks, explosions, or noise. Additionally, fireworks, explosions (louder than gunshots) or other abnormally loud noises in the Condor Study Area are prohibited.
Measures to Address Habituation to Human Activities and Artificial Structures	(14) Educational information as described above will be disseminated through access permits to guests and/or visitors to all back-country cabins regarding microtrash and appropriate behaviors if condors are encountered.  (15) To minimize the potential for condor habituation within the TMV Specific Plan Area, measures 1-14 in this table are required under the TU MSHCP and will be incorporated into the CC&Rs governing residential and commercial development. Additionally, the CC&Rs shall require that development on the ridges within the TMV Specific Plan Area (the east-west ridge above Rising Canyon, the western portion of Geghus Ridge, and on Grapevine, Middle, Squirrel, Silver, and Lolas Ridges) be designed and constructed to be consistent with the design guidelines and zoning standards contained in the Tejon Mountain Village Specific Plan (35 to 45 feet above finished grade) and will be of relatively low density.

Type of Measure	Avoidance, Minimization, or Mitigation Measure <sup>1</sup>
Measures to Address Loss of Foraging Habitat	<p>(16) The following conservation measures will be provided to offset the direct and indirect loss of foraging habitat in the Covered Lands.</p> <ul style="list-style-type: none"> <li>a. Approximately 66,117 acres of suitable foraging habitat within the TU MSHCP Mitigation Lands and within Established Open Space will be preserved as functional and viable foraging habitat for California condors.</li> <li>b. The approximate 37,000-acre Condor Study Area, including 23,040 acres of suitable foraging, will be preserved in perpetuity. The Condor Study Area has historically been a core habitat area for foraging and roosting by condors on Tejon Ranch and continues to be used, to a large degree, by released condors.</li> <li>c. An additional 83,818 acres of suitable foraging habitat will be preserved outside of Covered Lands under the Ranchwide Agreement.</li> <li>d. Continued grazing at the current level of 14,500 head of cattle will continue on the ranch to provide a potential food source for the condor.</li> <li>e. Continued hunting within open space areas, both within and outside of Covered Lands, will continue on the ranch to provide a potential food source for the condor.</li> </ul>
Measures to Contribute to Conservation and Recovery of the California Condor	<p>(17) <u>Permanent Protection of TU MSHCP Mitigation Lands.</u> The TU MSHCP Mitigation Lands shall be permanently protected by conservation easement or other appropriate deed restriction as follows:</p> <ul style="list-style-type: none"> <li>a. Dedicated conservation of the Initial Mitigation Lands will be phased according to the terms of the Implementing Agreement as follows. A conservation easement is required to be recorded on the 47,871 acres of Initial Mitigation Lands, which include the 37,099-acre Condor Study Area portion of the Established Open Space and a 10,722-acre portion of the TMV Planning Area Open Space, prior to grading of the TMV Project. The obligation to record a conservation easement over the TMV Planning Area Open Space portion of the Initial Mitigation Lands will be extended up to five years provided that a Memorandum of Permit and a Memorandum of Agreement to record a conservation easement is recorded prior to the grading of the TMV Project.</li> <li>b. The Remaining Mitigation Lands will be permanently conserved in accordance with the terms of the Implementing Agreement as follows. Dedicated conservation easements are required to be recorded over the 56,523 acres of Established Open Space following the schedule set forth in the Ranchwide Agreement, but in no event shall the recording of easements extend beyond the permit term. The 12,229 acres of the TMV Planning Area Open Space within the Remaining Mitigation Lands shall be conveyed by conservation easement or otherwise restricted in a form approved by the Service as the TMV Planning Area is developed and tentative maps are approved, but in no event shall the recording of easements extend beyond the permit term.</li> </ul>

Type of Measure	Avoidance, Minimization, or Mitigation Measure <sup>1</sup>
Condor Study Area Management Measures	<p>(18) <u>Condor Study Area Management</u></p> <p>a. The Condor Study Area will be managed by the Tejon Ranch Conservancy in accordance with the TU MSHCP and under the guidance of the RWMP, which will be subject to Service review and approval for consistency with the TU MSHCP, any recorded conservation easements, and the ESA. Public access to and use of the Condor Study Area authorized by the public access plan will be controlled, monitored, and enforced by TRC or the Tejon Ranch Conservancy. Two back-county cabins exist in the Condor Study Area. Those cabins may be maintained, improved, repaired, replaced, or reconstructed in their existing locations, within their existing footprints and without substantial increase in height. No other back-country cabins may be constructed or relocated to the Condor Study Area.</p> <p>b. Access to the Condor Study Area in the public access plan will be developed in consultation with, and must be approved by, the Service. The public access plan will be subject to Service review and approval in perpetuity and include parameters for human use of the Condor Study Area, including but not limited to the type of uses allowed and disallowed, the level of use intensity, and any seasonal restrictions, if warranted. Measures likely to be incorporated into the program include requiring visitors to register before entering, restricting the number of visitors per day/week/month depending upon California condor use of the Condor Study Area as determined by the Service-approved Tejon Ranch Staff Biologist and the Service, and prohibiting future access by those persons who do not follow the rules or comply with the program. TRC or the Tejon Ranch Conservancy will be responsible for implementing the program and measures.</p>
Measures Associated with Establishment of Supplemental Feeding/Trap and Release Sites	<p>(19) There is a possibility that supplemental feeding sites within preserved areas of the ranch will be needed in the future in support of the California Condor Recovery Plan, as determined by the Service. Currently no such feeding site is planned. If such supplemental feeding sites are determined to be needed by the Service, the Service will consult with TRC on the location, design and operation of such feeding sites.</p>
Measures Associated with the Establishment and Enforcement of Perpetual Ranchwide Ban on Lead Ammunition	<p>(20) <u>Establishment/Enforcement of Perpetual Ranchwide Ban on Lead Ammunition</u></p> <p>a. The use of lead ammunition on Tejon Ranch has been banned since January 1, 2008. The ban applies to all hunters registering with TRC’s Wildlife Management Operation for hunting access licenses, whether they hunt through a hunting membership, a group hunt, or a guided hunt. California subsequently enacted the Ridley-Tree Condor Conservation Act, which bans lead ammunition in the range of the California condor effective July 1, 2008..</p>

Type of Measure	Avoidance, Minimization, or Mitigation Measure <sup>1</sup>
Measures Associated with the Establishment and Enforcement of Perpetual Ranchwide Ban on Lead Ammunition (cont).	<ul style="list-style-type: none"> <li data-bbox="630 253 1858 342">b. To ensure that the ban on lead ammunition will successfully contribute to reducing the incidence of lead poisoning to condors, TRC shall continue to implement the hunter awareness and enforcement program. The components of the program include the following:                             <ul style="list-style-type: none"> <li data-bbox="680 367 1890 578">1) All hunting permittees must acknowledge and sign a notice and agreement that addresses the lead ammunition ban and the protection of the California condor. By signing the agreement, hunting permittees acknowledge that the possession or use of ammunition containing lead is prohibited and that violation of this prohibition will result in immediate expulsion from the ranch, permanent termination of all future hunting privileges, and liability to TRC and state and Federal governments. The agreement also clarifies protections that the condor has under state and Federal laws, penalties for violations of these laws, and the application of these laws to all hunting permittees.</li> <li data-bbox="680 602 1890 846">2) All hunting permittees must acknowledge and sign an agreement that defines hunting rules and regulations on Tejon Ranch. The agreement reiterates that the possession or use of ammunition containing lead is prohibited and that violation of this prohibition will result in immediate expulsion from the ranch, permanent termination of all future hunting privileges, and liability to TRC and state and Federal governments. The agreement includes rules and regulations that among other things, prohibit shooting at large birds; require that gut piles and carcasses, unless transported off the ranch or are suspected to contain lead, shall remain in place on the ranch; require the removal of all litter, trash, and microtrash; and that prohibit any behavior that could be construed as a “take” of the condor.</li> <li data-bbox="680 870 1890 1360">3) All hunting permittees must acknowledge and sign a hunting permit that reiterates that the possession or use of ammunition containing lead is prohibited and that violation of this prohibition will result in immediate expulsion from the ranch, permanent termination of all future hunting privileges, and liability to TRC and state and Federal governments, and that states that the permit is not valid unless the notice and agreement regarding lead ammunition and protection of condors and the hunting rules and regulations agreement have been acknowledged and signed. The permit also notices that the hunting permittee is bound to all conditions within each of these agreements.                                     <ul style="list-style-type: none"> <li data-bbox="730 1097 1858 1187">a) The education and enforcement program is also expected to include workshops and/or seminars that educate hunters with respect to the effects of lead on condors and that will give hunters an opportunity to experiment with non-lead ammunition alternatives.</li> <li data-bbox="730 1211 1890 1360">b) The hunter education and enforcement program will be implemented by the Wildlife Management Operation at Tejon Ranch. The ban on use of lead ammunition applies not only to hunters, but also to all TRC employees or third parties who are engaged in any animal damage control or nuisance abatement activities on the ranch. In other words, except for law enforcement, the ban is universal as to all persons who enter the ranch.</li> </ul> </li> </ul> </li> </ul>

Type of Measure	Avoidance, Minimization, or Mitigation Measure <sup>1</sup>
Implementation Measures	<p data-bbox="724 250 1871 342">c) To ensure that the lead ammunition ban remains in place and effective in perpetuity, the conservation easement required for the TU MSHCP Mitigation Lands will require implementation of the lead ban after expiration of the ITP term.</p> <p data-bbox="541 347 1230 375">(21) <u>Funding for Additional GPS Transmitters for Condors</u></p> <p data-bbox="627 407 1890 678">a. TMV LLC will provide funding to install additional GPS satellite tracking transmitters on condors currently not carrying such transmitters to allow for the continuous, real-time monitoring of the location of wild, free-flying California condors. Specifically, \$156,000 will be provided to purchase GPS transmitters prior to the issuance of any grading permits affecting suitable condor foraging or roosting habitat and then \$26,000 will be provided to assist in funding operations, maintenance, and/or replacement every year afterwards for a total of 10 years. This system will enable the immediate location of birds that are not moving relative to the ground, which usually indicates that an injury or illness has occurred. The prompt retrieval of injured or sick birds will allow for the rapid implementation of appropriate medical care or rehabilitation, actions that have saved the life of several condors in the past.</p> <p data-bbox="541 688 972 716">(22) <u>Hiring of a Full-Time Biologist</u></p> <p data-bbox="627 748 1885 959">a. Prior to initiating construction of the TMV Project in the Covered Lands, and for the duration of the ITP term, TRC will retain the service of a full-time biologist (i.e., Service-approved Tejon Ranch Staff Biologist) to perform the functions described in this section. The hiring will occur no later than 30 days prior to initiation of the start of construction for which all entitlements have been secured and any litigation that might impede or prevent the construction has been concluded without such a result. Promptly after issuance of the ITP, TRC will contract with a qualified third party, whose qualifications are approved by the Service, to perform these functions until the Service-approved Tejon Ranch Staff Biologist is retained..</p> <p data-bbox="627 980 1890 1256">b. The Service-approved Tejon Ranch Staff Biologist’s primary function will be to assist in minimizing and mitigating any interactions between humans and California condors within the Covered Lands and in administering the avoidance, minimization, and mitigation measures pertaining to condors in the TU MSHCP. The Service-approved Tejon Ranch Staff Biologist will not be required or allowed to handle or interact with California condors other than incidentally or in emergency situations and only if he or she has been issued by the Service a scientific permit under Section 10(a)(1)(A) of the ESA, and is permitted to do so by applicable Federal and state law. The Service-approved Tejon Ranch Staff Biologist will be responsible for performing, either directly or through direct supervision of assigned staff, the following functions related to California condors:</p> <ol data-bbox="678 1279 1623 1354" style="list-style-type: none"> <li>1) Perform the monitoring and reporting responsibilities of TRC in the TU MSHCP.</li> <li>2) Perform the enforcement responsibilities.</li> </ol>

Type of Measure	Avoidance, Minimization, or Mitigation Measure <sup>1</sup>
Implementation Measures (cont.)	<ul style="list-style-type: none"> <li>3) For the purpose of minimizing contact and interaction between humans and California condors, (i) coordinate with retained environmental education specialists, to prepare guidelines and educational programs, reviewed and approved by the Service, for proper behavior by persons who buy real estate or visit the developments constructed within Covered Lands, or who are permitted to use the Condor Study Area, and (ii) include descriptions of such guidelines and programs in pamphlets or other documents which are to be distributed to such persons.</li> <li>4) Monitor use of the Condor Study Area by adjacent home buyers and lessees and facilitate communication and coordination among the Service, TRC and the Master Owner Association to ensure that allowed uses of the Condor Study Area do not compromise the value of that area as a California condor safe zone and for traditional and historic ranch uses.</li> <li>5) Conduct educational programs, and disseminate educational materials, concerning the California condor to home buyers and visitors to any mountain development.               <ul style="list-style-type: none"> <li>a) Coordinate with TRC’s Wildlife Management Operation on implementation of the hunter education/enforcement program regarding the lead ammunition ban and condor protection.</li> <li>b) Assist the Service with assessment and implementation methods to discourage California condors’ use and visitation of human communities and dwellings on the Covered Lands. The Service-approved Tejon Ranch Staff Biologist will contact the Service immediately if habituation behavior by California condors is witnessed or reported. The discouragement, including “hazing,” measures, will be implemented by the Service, in consultation with TRC. However, the Service-approved Tejon Ranch Staff Biologist will not undertake any hazing activity under this paragraph unless and until he or she has applied for and received a scientific permit from the Service under ESA Section 10(a)(1)(A) that covers such activity, and any incidental take that may result, and the Service and TRC have determined that he or she may do so in accordance with all applicable Federal and state law (including approval for inclusion in a Memorandum of Understanding - if and to the extent required - between the Service and CDFG that allows such interactions with California condors despite their status as a Fully Protected Species under state law).</li> <li>c) Assist in communications with the Service regarding potential violations with the TU MSHCP, ESA or any recorded conservation easement or CC&amp;Rs.</li> </ul> </li> <li>c. The Service may propose specific, additional functions of the Service-approved Tejon Ranch Staff Biologist that it believes would be appropriate and consistent with the concepts set forth above and applicable legal requirements.</li> </ul>

Type of Measure	Avoidance, Minimization, or Mitigation Measure <sup>1</sup>
Measures to Mitigate Unavoidable Impacts	<p>(23) <u>Translocation of a habituated California condor.</u> Should any nonlethal incidental take, as described above, occur due to the failure of deterrence efforts, TRC commits to payment of the cost of capture, monitoring, relocating or removal of the habituated bird. TRC will be responsible for payment of the full cost of such capture, monitoring, relocation, or removal.</p> <p>(24) <u>Capture and care of an injured California condor.</u> Should any such ESA nonlethal incidental take of a California condor occur from a Covered Activity on the Covered Lands that results in a physical injury of a California condor, TRC will pay the full cost of capture by the Service of the affected California condor on the Covered Lands, any veterinary treatment for any injury to it, and its removal to a breeding center or receiving facility when the Service determines that such actions are necessary as result of the Covered Activities. TRC will be responsible for payment of the full cost of such capture and care.</p>

Source: Dudek 2011

Notes:

RWMP = Ranchwide Management Plan

CDFG = California Department of Fish and Game

<sup>1</sup> As set forth in the Implementing Agreement attached as Appendix A to the TU MSHCP, many of the Condor avoidance, minimization or mitigation measures listed in this table shall apply in perpetuity and shall be recorded in a Memorandum of Permit over the Covered Lands. The Memorandum of Permit shall be referenced in the TMV Master CC&Rs, TMV Commercial CC&R's, TMV and TRC access permits, certificates of inclusions, land sale documents, easements, lease agreements, and filming contracts within the Covered Lands.

**Table 2-4. Avoidance, Minimization, and Mitigation Measures for Other Covered Species under the Proposed TU MSHCP Alternative**

Species	Covered Activity	Other Covered Species Conservation Measure
Tehachapi slender salamander	All	Suitable Habitat and General Conservation Measures
	Commercial and Residential Development Activities (Construction)	<ol style="list-style-type: none"> <li data-bbox="789 396 1877 483">1. 3,921 acres (96%) of modeled habitat for Tehachapi slender salamander will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas.</li> <li data-bbox="789 496 1877 522">2. All currently known occurrences will be conserved in Monroe Canyon and Bear Trap Canyon.</li> </ol> <p data-bbox="789 535 1125 561">Other Conservation Measures</p> <ol style="list-style-type: none"> <li data-bbox="789 574 1877 662">3. Construction in modeled habitat in riparian/wetlands areas will be avoided to the extent practicable (generally anticipated to be limited to road crossings and culverts and not anticipated to exceed 3% of modeled habitat).</li> <li data-bbox="789 675 1877 763">4. BMPs will be implemented to protect surface water quality (pollutants, erosion, dust control, sedimentation) as required by applicable CWA and Porter-Cologne Water Quality Control Act requirements and air district requirements.</li> <li data-bbox="789 776 1877 834">5. Disturbance/grading perimeters will be flagged or fenced to limit construction activities to designated areas and avoid unauthorized incursions into adjacent areas.</li> <li data-bbox="789 847 1877 906">6. Contractor/construction personnel will complete meetings for training on TU MSHCP compliance and recognition/reporting protocols for the Covered Species prior to grading.</li> <li data-bbox="789 919 1877 1006">7. Prior to grading, activities in or immediately adjacent to suitable habitat will be monitored. Exclusion fencing will be erected if appropriate, to prevent Tehachapi slender salamanders from entering construction zones.</li> <li data-bbox="789 1019 1877 1107">8. To ensure that diseases are not conveyed between work sites by the Service-approved Tejon Staff Biologist or his or her assistants, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force (2009) will be followed at all times.</li> <li data-bbox="789 1120 1877 1333">9. Surveys prior to grading will be conducted in suitable habitat. The Service-approved Tejon Ranch Staff Biologist will make reasonable efforts to capture and relocate any observed individuals to suitable habitat (e.g., on north-facing slopes containing talus) that is the closest distance to the Disturbance Area from where the individuals were removed. The Service-approved Tejon Ranch Staff Biologist conducting the capture and relocation of Tehachapi slender salamanders will have a scientific collecting permit and a Memorandum of Understanding or letter permit from CDFG to carry out these activities.</li> </ol>

Species	Covered Activity	Other Covered Species Conservation Measure
	Commercial and Residential Development Activities (Long-term Operational)	<p>10. Design features for Commercial and Residential Development Activities will be incorporated at the boundary between modeled habitat and development areas that are adequate to avoid and minimize the introduction of exotic plant and animal species, such as Argentine ant (<i>Linepithema humile</i>), and urban runoff in adjacent natural areas.</p> <p>11. Lighting for Commercial and Residential Development Activities adjacent or near open space will be directed away from modeled habitat.</p> <p>12. Within occupied or modeled habitat for Tehachapi slender salamander within the TMV Planning Area, and for all hard surface roads within open space, culverts shall be placed under road connections and the roads shall be designed, in coordination with the Service-approved Tejon Ranch Staff Biologist, to prevent this species from entering the on-site roads from areas where this species occurs within or adjacent to the Disturbance Area.</p> <p>13. Public recreation shall be regulated through the public access plan, which shall be reviewed and approved by the Service, per Condor Measure 18 (Table 2-3).</p>
	Plan-Wide Activities (Construction)	<p>Compliance with Other Covered Species Measures 4, 7, 8, and 9.</p> <p>14. The installation of infrastructure (and trails) or other ground-disturbing activity within open space areas will include efforts to minimize the footprint and use BMPs for the design and installation of any such infrastructure, including surveys prior to grading, contractor education, staking and temporary construction fencing.</p> <p>15. Management and planning of activities in open space shall incorporate the final baseline surveys required in Section 7.3.2 of the TU MSHCP and results of annual monitoring.</p>
	Plan-Wide Activities (Other)	<p>Compliance with Other Covered Species Measures 13.</p> <p>16. A grazing management plan for open space will be prepared that regulates livestock grazing and range management activities to continue to maintain existing modeled habitat for Tehachapi slender salamander while continuing to provide for commercial ranching and fire protection.</p> <p>17. TRC guests, contractors and licensees and visitors through the public access plan will be provided with educational information regarding acceptable activities in open space areas, including recreational activities, pet restrictions, and wildlife restrictions, including prohibition on collecting individuals.</p> <p>18. Selection of any new public access trails shall be made in consultation with the Service-approved Tejon Ranch Staff Biologist and the selection of appropriate locations for access, trails, and facilities will minimize effects on open space areas.</p>

Species	Covered Activity	Other Covered Species Conservation Measure
Western spadefoot		19. Home Owner’s Association(s) will be provided with educational information regarding acceptable activities in open space areas as reviewed and approved by the Service-approved Tejon Ranch Staff Biologist, including recreational activities, pet restrictions, and wildlife restrictions, including prohibition on collecting individuals.
	All	Suitable Habitat and General Conservation Measures 20. 1,055 acres (90%) of modeled suitable habitat for western spadefoot will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas.
	Commercial and Residential Development Activities (Construction)	Other Conservation Measures Compliance with Other Covered Species Measures 4, 5, and 6. 21. Construction in modeled habitat in riparian/wetlands areas will be avoided to the extent practicable (generally anticipated to be limited to road crossings and culverts, and not anticipated to exceed 3% of modeled habitat). 22. Surveys prior to grading will be conducted in suitable habitat. The Service-approved Tejon Ranch Staff Biologist will make reasonable efforts to capture and relocate any observed individuals to suitable habitat that is the closest distance to the Disturbance Area from where the individuals were removed. If western spadefoots are detected (including egg masses, larvae), activities will be avoided until larvae have metamorphosed. A 300-foot setback will be established from occupied areas if work must continue in or immediately adjacent to sites with egg masses and/or larvae. The Service-approved Tejon Ranch Staff Biologist may reduce the 300-foot setback at his or her discretion depending on the suitability of site conditions. 23. Prior to grading, activities in or immediately adjacent to suitable habitat will be monitored. Exclusion fencing may be erected, if appropriate, to prevent western spadefoots from entering construction zones. 24. To ensure that diseases are not conveyed between work sites by the authorized Service-approved Tejon Ranch Staff Biologist or his or her assistants, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force (2009) will be followed at all times.
	Commercial and Residential Development Activities (Long-term Operational)	Compliance with Other Covered Species Measures 10, 11, and 13.

Species	Covered Activity	Other Covered Species Conservation Measure
Yellow-blotched salamander	Plan-Wide Activities (Construction)	Compliance with Other Covered Species Measures 4, 14, 15, 21, 22, and 23.
	Plan-Wide Activities (Other)	Compliance with Other Covered Species Measures 13, 16, 17, 18, and 19. 25. Surveys will be conducted to determine presence/absence of western spadefoot prior to ranch activities that could adversely affect breeding habitat for western spadefoot, such as eliminating stockponds.
		Suitable Habitat and General Conservation Measures
	All	26. 33,988 acres (97%) of modeled habitat will be conserved for yellow-blotched salamander within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas. 27. All currently known occurrences of yellow-blotched salamander will be conserved generally north of Rising Canyon and south of Pastoria Canyon, east of Grapevine Peak in the vicinity of Silver, Monroe, and Squirrel canyons, and along tributaries to Bear Trap Canyon.
		Other Conservation Measures
	Commercial and Residential Development Activities (Construction)	Compliance with Other Covered Species Measures 4, 5, and 6. 28. Construction in modeled habitat will be avoided to the extent practicable (generally anticipated to be limited to road crossings and culverts, and not anticipated to exceed 3% of modeled suitable habitat). 29. Surveys prior to grading will be conducted in suitable habitat. The Service-approved Tejon Ranch Staff Biologist will make reasonable efforts to capture and relocate any observed individuals to suitable habitat that is the closest distance to the Disturbance Area from where the individuals were removed. 30. Prior to grading, activities in or immediately adjacent to suitable habitat will be monitored. Exclusion fencing will be erected, if appropriate, to prevent yellow-blotched salamanders from entering construction zones. 31. To ensure that diseases are not conveyed between work sites by the Service-approved Tejon Ranch Staff Biologist or his or her assistants, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force (2009) will be followed at all times.
Commercial and Residential Development Activities (Long-term Operational)	Compliance with Other Covered Species Measures 10, 11, and 13.	

Species	Covered Activity	Other Covered Species Conservation Measure
American peregrine falcon	Plan-Wide Activities (Construction)	Compliance with Other Covered Species Measures 4, 14, 15, 28, 29, and 30.
	Plan-Wide Activities (Other)	Compliance with Other Covered Species Measures 13, 17, 18, and 19. 32. A grazing management plan for open space will be prepared that regulates livestock grazing and range management activities to continue to maintain existing modeled habitat for yellow-blotched salamander while continuing to provide for commercial ranching and fire protection.
		Suitable Habitat and General Conservation Measures
	All	33. 23,862 acres (89%) of modeled foraging habitat for American peregrine falcon will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas. 34. 79 acres (99%) of modeled breeding habitat for American peregrine falcon will be permanently conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas. 35. All lethal take of American peregrine falcons will be avoided.
		Other Conservation Measures
	Commercial and Residential Development Activities (Construction)	Compliance with Other Covered Species Measure 4. 36. Construction in riparian/wetland modeled foraging and wintering habitat will be avoided in open space areas to the extent practicable (generally anticipated to be limited to road crossings and culverts). 37. Surveys prior to grading in suitable breeding habitat will be conducted during the breeding season (March through August) to determine if nesting American peregrine falcons are present. 38. If active American peregrine falcon nests are detected during preconstruction surveys, a 0.25-mile protection zone will be established around each active nest and grading and land-altering activities within the 0.25-mile protection zone will be prohibited as long as the nest is active. Active nests and 0.25-mile protection zones will be mapped on appropriate planning maps. The 0.25-mile protection zone may be reduced at the discretion of the Service-approved Tejon Ranch Staff Biologist depending on site viewshed characteristics. 39. The Service-approved Tejon Ranch Staff Biologist will monitor construction activities in suitable habitat to assure avoidance of any harm to individuals and will have the authority to direct the cessation of field activities likely to cause any such harm.

Species	Covered Activity	Other Covered Species Conservation Measure
	Commercial and Residential Development Activities (Long-term Operational)	Compliance with Other Covered Species Measure 10.
	Plan-Wide Activities (Construction)	Compliance with Other Covered Species Conservation Measures 4, 14, 15, 36, 37, and 39. 40. If active American peregrine falcon nests are detected in open space during preconstruction surveys, a 1,000-foot protection zone will be established around each active nest and recreation and other activities will be prohibited within the 1,000-foot zone until all the young have fledged and are no longer dependent upon the nest for survival to minimize the potential for nest abandonment by adults. The Service-approved Tejon Ranch Staff Biologist may reduce the 1,000-foot protection zone at his or her discretion depending on the suitability of site conditions. Active nests and the 1,000-foot protection zones will be mapped on appropriate planning maps.
	Plan-Wide Activities (Other)	Compliance with Other Covered Species Measures 13, 17, 18, and 19.  41. A grazing management plan for open space will be prepared that regulates livestock grazing and range management activities to continue to maintain existing modeled habitat for American peregrine falcon while continuing to provide for commercial ranching and fire protection.
Bald eagle	Suitable Habitat and General Conservation Measures	
	All	42. 604 acres (42%) of modeled wintering habitat for bald eagle will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas. 43. 499 acres (96%) of modeled foraging habitat for bald eagle will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas. 44. Subject to Kern County Fire Department approval, removal of preferred diurnal perches and high-quality roost trees from fuel modification zones within 1 mile of Castac Lake, as identified by the Service-approved Tejon Ranch Staff Biologist, will be prohibited.

Species	Covered Activity	Other Covered Species Conservation Measure
	Commercial and Residential Development Activities (Construction)	<p>45. Prior to grading, the Service-approved Tejon Ranch Staff Biologist will conduct focused surveys for wintering (October through March) bald eagles within the proposed project phase and, if present, their preferred diurnal perches and roosting areas will be mapped and avoided.</p> <p>Management standards will be applied to preferred diurnal perches and high-quality roost trees (those trees with greater than 12-inch diameter at breast height) for bald eagle that are within 100 feet of the shoreline of Castac Lake in designated open space. The following presents options for bald eagle management:</p> <ul style="list-style-type: none"> <li>Diurnal perch areas will be selectively thinned to stimulate the growth of existing trees and enhance perching habitat by creating openness in these areas.</li> <li>New large tree species will be planted within 100 feet of the shoreline of Castac Lake in areas preserved for bald eagle, at a 1:1 ratio to replace large trees affected within 100 feet of the shoreline of Castac Lake.</li> <li>A small percentage of trees will be girdled within 100 feet of the shoreline of Castac Lake in areas preserved for bald eagle to create snags for perching; the percentage of trees girdled will be determined by the Service-approved Tejon Ranch Staff Biologist. Girdling will kill the trees by destroying the cambial layer, therefore, creating roosts and snags.</li> </ul> <p>46. Snags and large trees will be avoided within 100 feet of the shoreline of Castac Lake to the maximum extent practicable.</p> <p>47. Identified preferred roosting areas that are well-protected from wind (e.g., in a canyon, or blocked by trees) will be preserved, including an adequate setback from preserved roosting areas. The setback will be determined by the Service-approved Tejon Ranch Staff Biologist using data collected during the focused surveys for wintering bald eagles, which will be conducted prior to the approval of the grading plan for each phase of development within 1 mile of the edge of Castac Lake. Between October 15 and March 15, uses within the roost areas and the setback will be limited to those approved by the Service-approved Tejon Ranch Staff Biologist but will exclude activities such as hunting (starting November 1 through March) and other recreation uses.</p> <p>48. All lethal take of bald eagles will be avoided.</p>
	Commercial and Residential Development Activities (Construction)	<p style="text-align: center;"><b>Other Conservation Measures</b></p> <p>Compliance with Other Covered Species Measures 4, 5, 6, and 39.</p> <p>49. Construction in wetland habitat associated with Castac Lake and woodland habitat within 1 mile of Castac Lake will be avoided October through March.</p>

Species	Covered Activity	Other Covered Species Conservation Measure
	Commercial and Residential Development Activities (Long-term Operational) Plan-Wide Activities (Other)	<p>Compliance with Other Covered Species Measures 10 and 11.</p> <p>Compliance with Other Covered Species Measures 13, 17, 18, and 19.</p> <p>50. A grazing management plan for open space will be prepared that regulates livestock grazing and range management activities to continue to maintain existing modeled foraging and wintering habitat for bald eagle while continuing to provide for commercial ranching and fire protection.</p> <p>51. Intentional feeding of bald eagles will be prohibited on the Covered Lands, and language will be included in the CC&amp;Rs that prohibits the feeding of this species and other wildlife species on the Covered Lands. The Service-approved Tejon Ranch Staff Biologist will install signage adjacent to Castac Lake indicating that feeding bald eagles is prohibited. Such signage will indicate that prohibitions will be enforceable for all residents and guests.</p> <p>52. Maintain a minimum 300-foot setback from preferred diurnal perches and high-quality roost trees in the TMV Planning Area between October and March in order to limit human disturbance. The Service-approved Tejon Ranch Staff Biologist may reduce the 300-foot setback at his or her discretion depending on the suitability of site conditions.</p> <p>53. Hunting will be limited within the TMV Planning Area to guided hunts under the direction of a designated project conservation manager for the purpose of population management. All participants in any such on-site population management efforts will be educated in the identification and behavior of the bald eagle and supervised by the designated project conservation manager to avoid any accidental encounter with bald eagle. Pursuant to the perpetual lead ammunition ban, only non-lead ammunition will be used at all times within the Covered Lands during hunts of any kind.</p> <p>54. Interpretive and educational signage will be installed at Castac Lake, informing the public about bald eagles, their habitat requirements, and their sensitivity to human disturbance during the wintering season for the species (late October through March).</p>
	Plan-Wide Activities (Construction)	Compliance with Other Covered Species Measures 4, 14 and 15.

Species	Covered Activity	Other Covered Species Conservation Measure
Burrowing owl	All	<p><b>Suitable Habitat and General Conservation Measures</b></p> <p>55. 22,406 acres (90%) of modeled primary breeding/foraging habitat for burrowing owl will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas.</p> <p>56. 7,521 acres (93%) of modeled secondary breeding/foraging habitat for burrowing owl will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas.</p>
	Commercial and Residential Development Activities (Construction)	<p><b>Other Conservation Measures</b></p> <p>57. Avoidance/minimization measures will be implemented adjacent to modeled primary breeding/foraging habitat for burrowing owl, including fencing/flagging of disturbance/grading perimeters, contractor/construction personnel meetings prior to grading, and discretionary biological monitoring.</p> <p>58. Surveys prior to grading for burrowing owls will be conducted 30 days prior to scheduled construction activity in suitable habitat to determine if burrowing owls are present on site and, if present, their breeding status (breeding season is March through August).</p> <p>59. If non-nesting burrowing owls are observed on site, construction work will proceed after owls are evacuated from site using a CDFG-approved burrow closure procedure and after alternative burrow sites have been provided in accordance with the CDFG Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 1995). The results of surveys and relocation efforts will be submitted to CDFG.</p> <p>60. If nesting burrowing owls are observed on site, construction work within 300 feet of active nest burrows will be delayed until fledglings have left or are independent of the nest, as determined by the Service-approved Tejon Ranch Staff Biologist. The Service-approved Tejon Ranch Staff Biologist may reduce the 300-foot setback at his or her discretion depending on the suitability of site conditions. Nests that become active within designated construction zones after initiation of construction will be avoided (i.e., active nests would not be directly disturbed), but no setback will be provided. The results of survey and avoidance efforts for nesting burrowing owl will be submitted to CDFG.</p>
	Commercial and Residential Development Activities (Long-term Operational)	Compliance with Other Covered Species Measures 10 and 11.

Species	Covered Activity	Other Covered Species Conservation Measure
	Plan-Wide Activities (Other)	Compliance with Other Covered Species Measures 13, 17, 18, and 19.
	Plan-Wide Activities (Construction)	61. A grazing management plan for open space will be prepared that regulates livestock grazing and range management activities to continue to maintain existing modeled primary and secondary breeding/foraging habitat for burrowing owl while continuing to provide for commercial ranching and fire protection. Compliance with Other Covered Species Measures 4, 14 and 15.
Golden eagle		<b>Suitable Habitat and General Conservation Measures</b>
	All	62. 45,357 acres (94%) of modeled primary breeding habitat for golden eagle will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas. 63. 30,972 acres (94%) of modeled breeding/foraging habitat for golden eagle will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas. 64. 30,791 acres (91%) of modeled foraging habitat for golden eagle will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas. 65. All lethal take of golden eagles will be avoided.
		<b>Other Conservation Measures</b>
	Commercial and Residential Development Activities (Construction)	Compliance with Other Covered Species Conservation Measure 39. 66. Avoidance/minimization measures will be implemented adjacent to modeled primary breeding, breeding/foraging, and foraging habitat for golden eagle, including fencing/flagging of disturbance/grading perimeters, dust control, contractor/construction personnel meetings prior to grading, and biological monitoring. 67. Surveys for active primary golden eagle nests and active alternative nests will be conducted during the breeding season (January through August) prior to approval of the grading plan for each phase of development in modeled primary breeding and breeding/foraging habitat.

Species	Covered Activity	Other Covered Species Conservation Measure
		<p>68. If active golden eagle nest sites (primary and/or alternate) are observed on site during the survey, a nest-specific analysis will be prepared to identify the primary nest and establish its viewshed. Because golden eagles typically build primary and alternate nests in relative close proximity to each other, often within the same tree groves, active alternate nest sites will generally be protected by the same viewshed analysis as applied to the primary nest site. A complete viewshed analysis will be conducted for the primary nests determined to be in active use, and the following standards to avoid/minimize disturbance to active nests will apply:</p> <ul style="list-style-type: none"> <li>No development, new trails, or recreation activities will occur within 0.25 mile of an active golden eagle nest, within or outside of the viewshed.</li> <li>No development will occur within the viewshed that is also within 0.5 mile of an active nest.</li> <li>Between 0.25 and 1.0 mile from the active primary golden eagle nest and outside of the nest viewshed, and between 0.5 and 1.0 mile of the golden eagle nest and within the nest viewshed, development will be restricted to low-density development (e.g., mountain residential) and homes must be sited to minimize visibility to golden eagle nests.</li> <li>Between 0.5 and 1.0 mile from the active golden eagle nest, siting and design criteria will be established to avoid/minimize loss of modeled foraging habitat, including preserving larger, contiguous blocks of modeled foraging habitat through clustering development (i.e., higher density development).</li> </ul> <p>69. Active primary golden eagle nest sites and active alternate nest sites observed prior to approval of the grading plan for each phase of development in the Covered Lands will be conserved.</p>
	Commercial and Residential Development Activities (Long-term Operational)	Compliance with Other Covered Species Measures 10 and 11.
	Plan-Wide Activities (Other)	Compliance with Other Covered Species Measures 13, 17, 18, and 19.

Species	Covered Activity	Other Covered Species Conservation Measure
Least Bell's vireo	Plan-Wide Activities (Construction)	<p>70. Active golden eagle nest sites detected during baseline surveys (or surveys prior to grading, as applicable) will be conserved; if active golden eagle nest sites are observed on site, a nest-specific viewshed analysis and the following standards to avoid/minimize disturbance to active primary nests will apply:</p> <p style="padding-left: 40px;">No development, new trails, or recreation activities will occur within 0.25 mile of an active golden eagle nest, within or outside of the viewshed.</p> <p>71. A grazing management plan for open space will be prepared that regulates livestock grazing and range management activities to continue to maintain existing suitable primary breeding, breeding/foraging, and foraging habitat for golden eagle while continuing to provide for commercial ranching and fire protection.</p> <p>72. Trail use will be restricted between 0.25 and 0.5 mile from an active primary or active alternate golden eagle nest during the nesting season (February 1 through June 1). Trail use may be allowed during the nesting season, if the Service-approved Tejon Ranch Staff Biologist has determined that the nest has become inactive and trail use would not affect nesting golden eagle.</p>
	All	Compliance with Other Covered Species Measures 4, 14, 15, and 70.
		Suitable Habitat and General Conservation Measures
	Commercial and Residential Development Activities (Construction)	Other Conservation Measures
		<p>Compliance with Other Covered Species Measures 4, 5, and 6.</p> <p>74. Construction in modeled breeding/foraging habitat in riparian/wetlands areas will be avoided to the extent practicable (generally anticipated to be limited to road crossings and culverts and not anticipated to exceed 5% of modeled breeding/foraging habitat).</p> <p>75. Surveys prior to grading for breeding least Bell's vireo will be conducted for construction activities in or immediately adjacent to suitable breeding/foraging habitat scheduled for the breeding season (April through August).</p>

Species	Covered Activity	Other Covered Species Conservation Measure	
Little willow flycatcher	Commercial and Residential Development Activities (Long-term Operational)	76. If breeding least Bell’s vireos are observed on site, construction activities will be avoided during the breeding season, or, if construction must take place during the breeding season, a 500-foot setback will be provided or noise-attenuating measure(s) will be implemented, until young have fledged and are no longer dependent on the nest or nest territory. The Service-approved Tejon Ranch Staff Biologist may reduce the 500-foot setback at his or her discretion depending on the suitability of site conditions; however, the setback may not be less than 300 feet.	
	Plan-Wide Activities (Other)	Compliance with Other Covered Species Conservation Measures 10 and 11.	
	Plan-Wide Activities (Construction)	Compliance with Other Covered Species Conservation Measures 13, 17, 18, and 19.	
		77. A grazing management plan for open space will be prepared that regulates livestock grazing and range management activities to continue to maintain existing suitable breeding/foraging habitat for least Bell’s vireo while continuing to provide for commercial ranching and fire protection.	
		Compliance with Other Covered Species Measures 4, 14, 15, 75, 76, and 77.	
		Suitable Habitat and General Conservation Measures	
	All		78. 954 acres (97%) of modeled foraging/winter stopover habitat for little willow flycatcher will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas.
	Other Conservation Measures		
Commercial and Residential Development Activities (Construction)		Compliance with Other Covered Species Conservation Measures 4, 5, and 6.	
		79. Construction in modeled foraging/stopover habitat in riparian/wetlands areas will be avoided to the extent practicable (generally anticipated to be limited to road crossings and culverts and not anticipated to exceed 3% of modeled foraging/winter stopover habitat).	
Commercial and Residential Development Activities (Long-term Operational)		Compliance with Other Covered Species Measures 10 and 11.	

Species	Covered Activity	Other Covered Species Conservation Measure
Purple martin	Plan-Wide Activities (Other)	Compliance with Other Covered Species Measures 13, 17, 18, and 19.
		80. A grazing management plan for open space will be prepared that regulates livestock grazing and range management activities to continue to maintain existing suitable foraging/winter stopover habitat for little willow flycatcher while continuing to provide for commercial ranching and fire protection.
	Plan-Wide Activities (Construction)	Compliance with Other Covered Species Measures 4, 14, 15, and 80.
		Suitable Habitat and General Conservation Measures
	All	81. 81,015 acres (94%) of modeled breeding/foraging habitat for purple martin will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas.
		Other Conservation Measures
	Commercial and Residential Development Activities (Construction)	Compliance with Other Covered Species Measures 4, 5, and 6. 82. Construction in riparian/wetland modeled breeding/foraging habitat in riparian/wetlands areas will be avoided to the extent practicable (generally anticipated to be limited to road crossings and culverts). 83. Surveys for breeding purple martin will be conducted during the breeding season (April through August) for construction activities within suitable breeding/foraging habitat scheduled for the breeding season. 84. If breeding purple martins are observed in the project disturbance zone, construction activities will be avoided during the breeding season (April through August).
	Commercial and Residential Development Activities (Long-term Operational)	Compliance with Other Covered Species Measures 10 and 11.
Plan-Wide Activities (Other)	Compliance with Other Covered Species Measures 13, 17, 18, and 19. 85. A grazing management plan for open space will be prepared that regulates livestock grazing and range management activities to continue to maintain existing suitable breeding/foraging habitat for purple martin while continuing to provide for commercial ranching and fire protection.	

Species	Covered Activity	Other Covered Species Conservation Measure
Southwestern willow flycatcher	Plan-Wide Activities (Construction)	<p>86. European starling monitoring, removal, and management methods will be implemented if determined necessary by the Service-approved Tejon Ranch Staff Biologist. Prior to implementation, the Service-approved Tejon Ranch Staff Biologist will develop a management plan that will specify, at a minimum: the methods for capturing European starlings, and the process for euthanizing captured European starlings (e.g., humane euthanasia according to American Veterinary Medical Association [2001] guidelines). The plan will be implemented based upon the abundance of the species within 500 feet of modeled breeding/foraging habitat for purple martin during the breeding season or the presence of large winter flock sizes; however, the setback may not be less than 300 feet.</p> <p>Compliance with Other Covered Species Measures 4, 14, 15, 83, 84, and 85.</p>
	All	<p>Suitable Habitat and General Conservation Measures</p> <p>87. 954 acres (97%) of modeled breeding/foraging habitat for southwestern willow flycatcher will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas.</p>
	Commercial and Residential Development Activities (Construction)	<p>Other Conservation Measures</p> <p>Compliance with Other Covered Species Measures 4, 5 and 6.</p> <p>88. Construction in modeled breeding/foraging habitat in riparian/wetlands areas will be avoided to the extent practicable (generally anticipated to be limited to road crossings and culverts and not anticipated to exceed 3% of modeled breeding/foraging habitat).</p> <p>89. Surveys for breeding southwestern willow flycatcher will be conducted for construction activities in or immediately adjacent to suitable breeding/foraging habitat scheduled for the breeding season (May 1st through August 15th).</p> <p>90. If breeding southwestern willow flycatchers are observed on site, construction activities will be avoided during the breeding season, or, if construction must take place during the breeding season, a 500-foot setback will be provided or noise-attenuating measure(s) will be implemented, until young have fledged and are no longer dependent on the nest or nest territory. The Service-approved Tejon Ranch Staff Biologist may reduce the 500-foot setback at his or her discretion depending on the suitability of site conditions; however, the setback may not be less than 300 feet.</p>

Species	Covered Activity	Other Covered Species Conservation Measure
Tricolored blackbird	Commercial and Residential Development Activities (Long-term Operational)	Compliance with Other Covered Species Measures 10 and 11.
	Plan-Wide Activities (Other)	Compliance with Other Covered Species Measures 13, 17, 18, and 19. 91. A grazing management plan for open space will be prepared that regulates livestock grazing and range management activities to continue to maintain existing suitable breeding/foraging habitat for southwestern willow flycatcher while continuing to provide for commercial ranching and fire protection.
	Plan-Wide Activities (Construction)	Compliance with Other Covered Species Measures 4, 14, 15, 89, 90, and 91.
	Suitable Habitat and General Conservation Measures	
	All	92. 17,373 acres (94%) of modeled foraging habitat for tricolored blackbird will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas. 93. 198 acres (69%) of modeled primary breeding habitat for tricolored blackbird will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas.
Other Conservation Measures		
Commercial and Residential Development Activities (Construction)	Compliance with Other Covered Species Measures 4, 5, and 6. 94. Construction in modeled primary breeding and foraging habitat within riparian and wetland areas will be avoided to the extent practicable (generally anticipated to be limited to road crossings and culverts). Compliance with Other Covered Species Measures 4, 5, and 6. 95. Surveys for breeding tricolored blackbird will be conducted for construction activities in or immediately adjacent to suitable primary breeding habitat resulting in permanent ground disturbance and scheduled for the breeding season (April through mid-August).	

Species	Covered Activity	Other Covered Species Conservation Measure
Western yellow-billed cuckoo	Commercial and Residential Development Activities (Long-term Operational)	96. If breeding tricolored blackbirds are observed on site, construction activities will be avoided during the breeding season, or, if construction must take place during the breeding season, a 500-foot setback will be provided or noise-attenuating measure(s) will be implemented, until nesting has been completed in the colony. The Service-approved Tejon Ranch Staff Biologist may reduce the 500-foot setback at his or her discretion depending on the suitability of site conditions; however, the setback may not be less than 300 feet.
		Compliance with Other Covered Species Conservation Measures 10 and 11.
	Plan-Wide Activities (Other)	97. An IPMP will be developed and implemented in conjunction with development, ranchwide operations, and management of open space. Measures should address avoiding exposure of tricolored blackbird to pesticides and can include, for example, the storage of pesticides in secure containers and facilities, and the use of pesticides that target specific pests in place of broad spectrum pesticides.
		Compliance with Other Covered Species Measures 13, 17, 18, and 19.
	Plan-Wide Activities (Construction)	98. A grazing management plan for open space will be prepared that regulates livestock grazing and range management activities to continue to maintain existing suitable habitat for tricolored blackbird while continuing to provide for commercial ranching and fire protection.
		Compliance with Other Covered Species Conservation Measures 4, 14, 15, 95, and 96.
		Suitable Habitat and General Conservation Measures
All		99. 954 acres (97%) of modeled breeding/foraging habitat for western yellow-billed cuckoo will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas.
		Other Conservation Measures
Commercial and Residential Development Activities (Construction)		Compliance with Other Covered Species Measures 4, 5 and 6.
		100. Construction in modeled breeding/foraging habitat in riparian/wetlands areas will be avoided to the extent practicable (generally anticipated to be limited to road crossings and culverts and not anticipated to exceed 3% of modeled breeding/foraging habitat).
		101. Surveys prior to grading for breeding western yellow-billed cuckoo will be conducted for construction activities in or immediately adjacent to suitable breeding/foraging habitat scheduled for the breeding season.

Species	Covered Activity	Other Covered Species Conservation Measure
White-tailed kite	Commercial and Residential Development Activities (Long-term Operational)	102. If breeding western yellow-billed cuckoos are observed on site, construction activities will be avoided during the breeding season, or, if construction must take place during the breeding season, a 500-foot setback will be provided or noise-attenuating measure(s) will be implemented, until young have fledged and are no longer dependent on the nest or nest territory. The Service-approved Tejon Ranch Staff Biologist may reduce the 500-foot setback at his or her discretion depending on the suitability of site conditions; however, the setback may not be less than 300 feet.
	Plan-Wide Activities (Other)	Compliance with Other Covered Species Measures 10 and 11.
	Plan-Wide Activities (Construction)	Compliance with Other Covered Species Measures 13, 17, 18, and 19.
	All	103. A grazing management plan for open space will be prepared that regulates livestock grazing and range management activities to continue to maintain existing suitable breeding/foraging habitat for western yellow-billed cuckoo while continuing to provide for commercial ranching and fire protection.
	All	Compliance with Other Covered Species Conservation Measures 4, 14, 15, 101, and 102.
	Commercial and Residential Development Activities (Construction)	Suitable Habitat and General Conservation Measures
All	104. 7,130 acres (77%) of modeled foraging habitat for white-tailed kite will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas.	
All	105. All lethal take of white-tailed kites will be avoided.	
Commercial and Residential Development Activities (Construction)	Other Conservation Measures	
Commercial and Residential Development Activities (Construction)	Compliance with Other Covered Species Conservation Measures 4, 5, 6, and 39.	
Commercial and Residential Development Activities (Construction)	106. Although white-tailed kites are not expected to breed on site, construction in potential breeding habitat in riparian/wetland habitat areas will be avoided to the extent practicable (generally anticipated to be limited to road crossings and culverts and not anticipated to exceed 3% of riparian/wetland habitat).	
Commercial and Residential Development Activities (Construction)	107. Preconstruction survey will be conducted for active white-tailed kite nests during the breeding season (March through September) prior to development in or immediately adjacent to the suitable habitat.	

Species	Covered Activity	Other Covered Species Conservation Measure
Yellow warbler	Commercial and Residential Development Activities (Long-term Operational) Plan-Wide Activities (Other)	<p>108. All active nest sites detected during surveys prior to grading will be conserved.</p> <p>109. If active white-tailed kite nest sites are detected during preconstruction surveys, a protection zone of 500 feet around each nest will be established and no grading or land-altering activities will be allowed within this zone to protect the viability of the nest territory as long as the nest is active. The Service-approved Tejon Ranch Staff Biologist in coordination with the Service may reduce the 500-foot setback at his or her discretion depending on the suitability of site conditions; however, the setback may not be less than 300 feet.</p> <p>Compliance with Other Covered Species Conservation Measures 10 and 11.</p> <p>Compliance with Other Covered Species Conservation Measures 13, 17, 18, and 19.</p>
	Plan-Wide Activities (Construction)	<p>110. A grazing management plan for open space will be prepared that regulates livestock grazing and range management activities to continue to maintain existing modeled foraging habitat for white-tailed kite while continuing to provide for commercial ranching and fire protection.</p> <p>111. Covered recreation activities within 500 feet of an active nest during the white-tailed kite breeding season (March through September) will be prohibited until all young have fledged and are no longer dependent on the nest for survival. The active nest will be mapped on appropriate maps. The Service-approved Tejon Ranch Staff Biologist in coordination with the Service may reduce the 500-foot setback at his or her discretion depending on the suitability of site conditions; however, the setback may not be less than 300 feet.</p> <p>Compliance with Other Covered Species Conservation Measures 4, 14, 15, 106, 107, 108, and 109.</p>
	All	<p>Suitable Habitat and General Conservation Measures</p>
		<p>112. 954 acres (97%) of modeled breeding/foraging habitat for yellow warbler will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas.</p>
		<p>113. 49,008 acres (95%) of modeled secondary foraging habitat for yellow warbler will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas.</p>

Species	Covered Activity	Other Covered Species Conservation Measure
		<b>Other Conservation Measures</b>
	Commercial and Residential Development Activities (Construction)	<p>Compliance with Other Covered Species Conservation Measures 4, 5, and 6.</p> <p>114. Construction in modeled breeding/foraging habitat in riparian/wetlands areas will be avoided to the extent practicable (generally anticipated to be limited to road crossings and culverts and not anticipated to exceed 5% of modeled breeding/foraging habitat).</p> <p>115. Surveys for breeding yellow warbler will be conducted during the breeding season (April through August) for construction activities in or immediately adjacent to suitable breeding/foraging habitat scheduled for the breeding season.</p> <p>116. If breeding yellow warblers are observed in the project disturbance zone, construction activities will be avoided where detected and appropriate setbacks will be established during the breeding season.</p>
	Commercial and Residential Development Activities (Long-term Operational)	Compliance with Other Covered Species Conservation Measures 10 and 11.
	Plan-Wide Activities (Other)	<p>Compliance with Other Covered Species Conservation Measures 13, 17, 18, and 19.</p> <p>117. A grazing management plan for open space will be prepared that regulates livestock grazing and range management activities to continue to maintain existing modeled breeding/foraging habitat for yellow warbler while continuing to provide for commercial ranching and fire protection.</p>
	Plan-Wide Activities (Construction)	Compliance with Other Covered Species Conservation Measures 4, 14, 15, 114, 115, and 116.
Valley elderberry longhorn beetle		<b>Suitable Habitat and General Conservation Measures</b>
	All	118. 2,578 acres (99%) of modeled habitat for valley elderberry longhorn beetle will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas.

Species	Covered Activity	Other Covered Species Conservation Measure
		<b>Other Conservation Measures</b>
	Commercial and Residential Development Activities (Construction)	<p>Compliance with Other Covered Species Conservation Measures 4, 5, and 6.</p> <p>119. Construction in modeled habitat in riparian/wetland habitat areas will be avoided to the extent practicable (generally anticipated to be limited to road crossings and culverts and not anticipated to exceed 2% of modeled suitable habitat).</p> <p>120. An IPMP will be developed and implemented in conjunction with development, ranchwide operations, and management of open space. Measures should address avoiding exposure of elderberry trees to herbicides that would damage or destroy such trees, and can include, for example, the use of herbicides that target specific vegetation in place of broad spectrum herbicides.</p>
	Commercial and Residential Development Activities (Long-term Operational)	Compliance with Other Covered Species Conservation Measures 10 and 11.
	Plan-Wide Activities (Other)	<p>Compliance with Other Covered Species Conservation Measures 13, 17, 18, and 19.</p> <p>121. A grazing management plan for open space will be prepared that regulates livestock grazing and range management activities to continue to maintain existing modeled suitable habitat for valley elderberry longhorn beetle while continuing to provide for commercial ranching and fire protection.</p>
	Plan-Wide Activities (Construction)	Compliance with Other Covered Species Conservation Measures 4, 14 and 15.
Ringtail		<b>Suitable Habitat and General Conservation Measures</b>
	All	<p>122. 90,735 acres (91%) of modeled habitat for ringtail will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas.</p> <p>123. All lethal take of ringtails will be avoided.</p>

Species	Covered Activity	Other Covered Species Conservation Measure
		Other Conservation Measures
	Commercial and Residential Development Activities (Construction)	<p>Compliance with Other Covered Species Conservation Measures 4, 5, 6, and 39.</p> <p>124. Surveys prior to grading will be conducted for ringtail individuals in suitable habitat in the project disturbance zone and within 300 feet of the disturbance zone 30 days prior to commencement of activities resulting in permanent ground disturbance.</p> <p>125. If the ringtail (or sign) is detected in the project disturbance zone or within 300 feet of the disturbance zone during the breeding/rearing period (February 1 through August 31), construction activities will be avoided during the breeding/rearing period, until the Service-approved Tejon Ranch Staff Biologist has determined that the ringtail no longer occupy areas within 300 feet of the project disturbance zone. The Service-approved Tejon Ranch Staff Biologist may reduce the 300-foot setback at his or her discretion depending on the suitability of site conditions.</p> <p>126. If the ringtail (or sign) is detected in the project disturbance zone or within 300 feet of the disturbance zone during the non-breeding/rearing period (September 1 through January 31), the Service-approved Tejon Ranch Staff Biologist will work in consultation/coordination with CDFG to implement avoidance measures (e.g., flush the species from the disturbance zone).</p> <p>127. Construction in modeled riparian, wash, and wetland habitat will be avoided to the extent practicable (generally anticipated to be limited to road crossings and culverts).</p>
	Commercial and Residential Development Activities (Long-term Operational)	Compliance with Other Covered Species Conservation Measures 10 and 11.
	Plan-Wide Activities (Other)	<p>Compliance with Other Covered Species Conservation Measures 13, 17, 18, and 19.</p> <p>128. A grazing management plan for open space will be prepared that regulates livestock grazing and range management activities to continue to maintain existing modeled habitat for ringtail while continuing to provide for commercial ranching and fire protection.</p>
	Plan-Wide Activities (Construction)	Compliance with Other Covered Species Measures 14, 15, 124, 125, and 126.

Species	Covered Activity	Other Covered Species Conservation Measure
Tehachapi pocket mouse	All	Suitable Habitat and General Conservation Measures
		<p>129. 1,071 acres (95%) of modeled habitat for Tehachapi pocket mouse will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas.</p> <p>130. All Tehachapi pocket mouse modeled habitat will be avoided, or all known locations (two occurrences located in the Oso Canyon area) will be subject to avoidance (as defined in consultation with the Service). If modeled habitat or known locations are not avoided, the following mitigation and minimization measures would be implemented:</p> <ul style="list-style-type: none"> <li>(a) Research shall be conducted throughout modeled habitat in the TU MSHCP Mitigation Lands to better determine species distribution and habitat preferences. The study plan used to inform the research effort shall be reviewed and approved by the Service. Research shall be conducted in conjunction with any Kern County land use application for development in Oso Canyon.</li> <li>(b) For the westerly occurrence area, TRC shall demonstrate a minimum of four Tehachapi pocket mouse occurrences in conserved open space through field survey work and a written survey report filed with the Service, upon Service approval of which, development of the westerly occurrence area is authorized to occur; and</li> <li>(c) For the easterly occurrence area, TRC shall (i) demonstrate a minimum of two additional Tehachapi pocket mouse occurrences in conserved open space through field survey work and a written survey report filed with and approved by the Service; and (ii) minimize effects by limiting development activities to a road and subsurface infrastructure within 150 feet of the mapped known occurrence trap line location. Prior to commencing ground disturbance activities, TRC shall consult with the Service to identify and implement design features (e.g., culverts beneath the road) to minimize effects in this occurrence area.</li> </ul>
	Commercial and Residential Development Activities (Construction)	Other Conservation Measures
		131. Avoidance/minimization measures will be implemented, including fencing/flagging of disturbance/grading perimeters, contractor/construction personnel meetings prior to grading, and discretionary biological monitoring.

Species	Covered Activity	Other Covered Species Conservation Measure
Coast horned lizard	Commercial and Residential Development Activities (Long-term Operational)	<p>132. Depending on the existence of essential habitat elements, the Service-approved Tejon Ranch Staff Biologist will conduct a live-trapping program for Tehachapi pocket mouse in suitable habitat in the project disturbance zone and within 100 feet of the disturbance zone no earlier than 7 days prior to commencement of activities resulting in permanent ground disturbance. To minimize direct effects on individuals to the extent feasible, prior to grading, a trapping program will be conducted for 5 nights in suitable habitat to trap and salvage as many individuals as possible from the disturbance zone and release them in suitable habitat away from the project disturbance zone (approximately 60% of the population within the disturbance zone is estimated to be salvaged based on a 5-night trapping program).</p> <p>133. Construction activities will be monitored in proximity or immediately adjacent to suitable habitat. Exclusion fencing will be erected, if appropriate, to prevent Tehachapi pocket mice from entering construction zones.</p> <p>Compliance with Other Covered Species Measures 10 and 11.</p> <p>134. An IPMP will be developed and implemented in conjunction with development, ranchwide operations, and management of open space. Measures should address avoiding exposure of Tehachapi pocket mouse to rodenticides and can include, for example, the storage of rodenticides in secure containers and rodent-proofed facilities.</p>
	Plan-Wide Activities (Other)	<p>Compliance with Other Covered Species Measures 13, 17, 18, and 19.</p> <p>135. A grazing management plan for open space will be prepared that regulates livestock grazing and range management activities to continue to maintain existing modeled suitable habitat for Tehachapi pocket mouse while continuing to provide for commercial ranching and fire protection.</p>
	Plan-Wide Activities (Construction)	<p>Compliance with Other Covered Species Measures 4, 14, 15, 131, 132, and 133.</p>
	All	<p>Suitable Habitat and General Conservation Measures</p> <p>136. 37,074 acres (90%) of modeled primary habitat for coast horned lizard will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas.</p> <p>137. 51 acres (82%) of modeled secondary habitat for coast horned lizard will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas.</p>

Species	Covered Activity	Other Covered Species Conservation Measure
Two-striped garter snake	Commercial and Residential Development Activities (Construction)	138. Eight currently known occurrences of coast horned lizard will be conserved in the southwestern portion of the TMV Planning Area, southeast of Dry Field Canyon and north of Oso Canyon, where the majority of occurrences were found during surveys.
	Commercial and Residential Development Activities (Long-term Operational)	Other Conservation Measures
	Plan-Wide Activities (Other)	139. Construction in wash, riparian woodland, and riparian/wetland habitat will be avoided to the extent practicable (generally anticipated to be limited to road crossings and culverts).
	Plan-Wide Activities (Construction)	140. Avoidance/minimization measures in modeled primary and secondary habitat will be implemented, including fencing/flagging of disturbance/grading perimeters, contractor/construction personnel meetings prior to grading, and biological monitoring.
	All	141. Surveys prior to grading will be conducted in suitable habitat. The Service-approved Tejon Ranch Staff Biologist will make reasonable efforts to capture and relocate any observed individuals to suitable habitat that is the closest distance to the Disturbance Area from where the individuals were removed.
	Commercial and Residential Development Activities (Long-term Operational)	142. Construction activities in suitable habitat will be monitored. Exclusion fencing will be erected, if appropriate, to prevent coast horned lizards from entering construction zones.
	Plan-Wide Activities (Other)	Compliance with Other Covered Species Measure 10.
	Plan-Wide Activities (Construction)	Compliance with Other Covered Species Measures 13, 17, 18, and 19.
	All	143. A grazing management plan for open space will be prepared that regulates livestock grazing and range management activities to continue to maintain existing modeled primary and secondary habitat for coast horned lizard while continuing to provide for commercial ranching, fire protection.
	Plan-Wide Activities (Construction)	Compliance with Other Covered Species Measures 4, 14, 15, 140, 141, and 142.
Suitable Habitat and General Conservation Measures		144. 254 acres (70%) of modeled habitat for two-striped garter snake will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas.
		145. All currently known occurrences of two-striped garter snake in the southwestern and central portions of the TMV Planning Area east of Rising Canyon, in Dry Field Canyon, and in Bear Trap Canyon will be conserved.

Species	Covered Activity	Other Covered Species Conservation Measure
		Other Conservation Measures
	Commercial and Residential Development Activities (Construction)	<p>Compliance with Other Covered Species Measures 4, 5 and 6.</p> <p>146. Construction in modeled habitat in riparian/wetland habitat areas will be avoided to the extent practicable (generally anticipated to be limited to road crossings and culverts and not anticipated to exceed 9% of modeled suitable habitat).</p> <p>147. The construction project manager will be provided two alternative options to avoid and minimize effects on two-striped garter snake individuals:                      Prior to grading, the Service-approved Tejon Ranch Staff Biologist will conduct daily surveys by walking through suitable habitat to be disturbed that day to clear the area of garter snakes. The Service-approved Tejon Ranch Staff Biologist will make reasonable efforts to capture and relocate any observed individuals to suitable habitat that is the closest distance to the Disturbance Area from where the individuals were removed. The project construction manager will erect exclusion fencing around the work zone in lieu of a daily monitor. After erection of the fence or other device(s), the Service-approved Tejon Ranch Staff Biologist will perform an initial clearance survey, followed by periodic checks to verify that the fencing/device(s) are intact and functioning. Once an area has been cleared completely, additional daily monitoring and fencing/device(s) will not be required.</p>
	Commercial and Residential Development Activities (Long-term Operational)	Compliance with Other Covered Species Measures 10 and 11.
	Plan-Wide Activities (Other)	<p>Compliance with Other Covered Species Measures 13, 17, 18, and 19.</p> <p>148. A grazing management plan for open space will be prepared that regulates livestock grazing and range management activities to continue to maintain existing modeled habitat for two-striped garter snake while continuing to provide for commercial ranching and fire protection.</p>
	Plan-Wide Activities (Construction)	Compliance with Other Covered Species Measures 4, 14, 15, and 147.

Species	Covered Activity	Other Covered Species Conservation Measure
Fort Tejon woolly sunflower		Suitable Habitat and General Conservation Measures
	All	149. 52,046 acres (91%) of modeled habitat for Fort Tejon woolly sunflower will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas.  150. Thirty-six locations, representing 3,000 to 8,500 individuals of Fort Tejon woolly sunflower, will be conserved within TMV Planning Area Open Space.
	Commercial and Residential Development Activities (Construction)	Other Conservation Measures  Compliance with Other Covered Species Measures 4, 5 and 6.  151. Surveys prior to grading will be conducted in suitable habitat within 150 feet of the project disturbance zone for presence/absence of Fort Tejon woolly sunflower during the appropriate survey season and when the species is detectable.  152. Fort Tejon woolly sunflower locations will be marked with a protective barrier during construction activities occurring in proximity to known occurrences (no known occurrences exist within the Development Envelope) and, as deemed appropriate by the Service-approved Tejon Ranch Staff Biologist, construction activities will be monitored to minimize the potential for disturbance.
	Commercial and Residential Development Activities (Long-term Operational)	Compliance with Other Covered Species Measure 10.
	Plan-Wide Activities (Other)	Compliance with Other Covered Species Conservation Measures 13, 17, 18, and 19.  153. A grazing management plan for open space will be prepared that regulates livestock grazing and range management activities to continue to maintain existing modeled habitat for Fort Tejon woolly sunflower while continuing to provide for commercial ranching and fire protection.
Plan-Wide Activities (Construction)	Compliance with Other Covered Species Measures 4, 14, 15, 151, and 152.	

Species	Covered Activity	Other Covered Species Conservation Measure
Kusche's sandwort		<b>Suitable Habitat and General Conservation Measures</b>
	All	154. 28,407 acres (93%) of modeled habitat for Kusche's sandwort will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas.  155. Seven known occurrences, representing approximately 24 individuals, of Kusche's sandwort will be conserved within TMV Planning Area Open Space.
		<b>Other Conservation Measures</b>
	Commercial and Residential Development Activities (Construction)	Compliance with Other Covered Species Conservation Measures 4, 5 and 6.  156. Surveys prior to grading will be conducted in suitable habitat within 150 feet of the project disturbance zone for presence/absence of Kusche's sandwort during the appropriate survey season and when the species is detectable.  157. Kusche's sandwort locations will be marked with a protective barrier during construction activities occurring in proximity to known occurrences, and, as deemed appropriate by the Service-approved Tejon Ranch Staff Biologist, construction activities will be monitored to minimize the potential for disturbance.
	Commercial and Residential Development Activities (Long-term Operational)	Compliance with Other Covered Species Conservation Measure 10.
Plan-Wide Activities (Other)	Compliance with Other Covered Species Measures 13, 17, 18, and 19.  158. A grazing management plan for open space will be prepared that regulates livestock grazing and range management activities to continue to maintain existing modeled habitat for Kusche's sandwort while continuing to provide for commercial ranching and fire protection.	
Plan-Wide Activities (Construction)	Compliance with Other Covered Species Conservation Measures 4, 14, 15, 156, and 157.	

Species	Covered Activity	Other Covered Species Conservation Measure
Round-leaved filaree		Suitable Habitat and General Conservation Measures
	All	<p>159. 53,076 acres (91%) of modeled habitat for round-leaved filaree will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas.</p> <p>160. Known or future detected populations of the round-leaved filaree will be conserved under two alternative scenarios:</p> <ul style="list-style-type: none"> <li>(a) Three known occurrences, representing approximately 220 to 420 individuals of round-leaved filaree will be conserved within TMV Planning Area Open Space; or</li> <li>(b) At least three occurrences will be conserved in TMV Planning Area Open Space, including two known occurrences representing approximately 120 to 220 individuals and any new occurrence(s) documented within TMV Planning Area Open Space prior to development, such that the new occurrence(s) total(s) at least 100 individuals.</li> </ul>
	Commercial and Residential Development Activities (Construction)	<p>Other Conservation Measures</p> <p>Compliance with Other Covered Species Measures 4, 5 and 6.</p> <p>161. Surveys prior to grading will be conducted in suitable habitat within 150 feet of the project disturbance zone for presence/absence of round-leaved filaree during the appropriate survey season and when the species is detectable.</p> <p>162. Round-leaved filaree locations will be marked with a protective barrier during construction activities occurring in proximity to known occurrences and, as deemed appropriate by the Service-approved Tejon Ranch Staff Biologist, construction activities will be monitored to minimize the potential for disturbance.</p>
	Commercial and Residential Development Activities (Long-term Operational)	Compliance with Other Covered Species Measure 10.
	Plan-Wide Activities (Other)	<p>Compliance with Other Covered Species Measures 13, 17, 18, and 19.</p> <p>163. A grazing management plan for open space will be prepared that regulates livestock grazing and range management activities to continue to maintain existing modeled habitat for round-leaved filaree while continuing to provide for commercial ranching and fire protection.</p>
Plan-Wide Activities (Construction)	Compliance with Other Covered Species Measures 4, 14, 15, 161, and 162.	

Species	Covered Activity	Other Covered Species Conservation Measure
Striped adobe lily		<b>Suitable Habitat and General Conservation Measures</b>
	All	164. 29,476 acres (91%) of modeled habitat for striped adobe lily will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas.
		165. Three known occurrences of striped adobe lily will be conserved within Existing Conservation Easement Areas.
		<b>Other Conservation Measures</b>
	Commercial and Residential Development Activities (Construction)	Compliance with Other Covered Species Conservation Measures 4, 5 and 6. 166. Surveys prior to grading will be conducted in suitable habitat within 150 feet of the project disturbance zone for presence/absence of adobe striped lily during the appropriate survey season and when the species is detectable. 167. The following avoidance measure will be implemented in locations where striped adobe lily is known to occur, or was observed during preconstruction surveys. Grading/ ground-disturbing activity will be designed to avoid permanent effects on potential pollinators by avoiding effects on habitat within 325 feet of known striped adobe lily occurrences. The Service-approved Tejon Ranch Staff Biologist may reduce the 325-foot setback at his or her discretion depending on the suitability of site conditions. 168. Striped adobe lily locations will be marked with a protective barrier during construction activities occurring in proximity to known occurrences and, as deemed appropriate by the Service-approved Tejon Ranch Staff Biologist, construction activities will be monitored to minimize the potential for disturbance.
	Commercial and Residential Development Activities (Long-term Operational) Plan-Wide Activities (Other)	Compliance with Other Covered Species Conservation Measure 10.  Compliance with Other Covered Species Conservation Measures 13, 17, 18, and 19. 169. A grazing management plan for open space will be prepared that regulates livestock grazing and range management activities to continue to maintain existing modeled habitat for striped adobe lily while continuing to provide for commercial ranching and fire protection.
Plan-Wide Activities (Construction)	Compliance with Other Covered Species Measures 4, 14, 15, 166, 167, and 168.	

Species	Covered Activity	Other Covered Species Conservation Measure
Tehachapi buckwheat		Suitable Habitat and General Conservation Measures
	All	<p>170. 2,562 acres (99%) of modeled habitat for Tehachapi buckwheat will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas.</p> <p>171. All known occurrences of Tehachapi Buckwheat (i.e., the approximately 500 to 600 known individuals located in the vicinity of Poleline Ridge) will be conserved within TMV Planning Area Open Space.</p>
		Other Conservation Measures
	Commercial and Residential Development Activities (Construction)	<p>Compliance with Other Covered Species Measures 4, 5, and 6.</p> <p>172. Surveys prior to grading will be conducted in suitable habitat within 325 feet of the project disturbance zone for presence/absence of Tehachapi buckwheat during the appropriate survey season and when the species is detectable.</p> <p>173. The following avoidance measure will be implemented in locations where Tehachapi buckwheat is known to occur, or was observed during preconstruction surveys.</p> <p style="padding-left: 40px;">The activity will be designed to avoid permanent edge effects by restricting Covered Activities within 325 feet of known Tehachapi buckwheat occurrences. The Service-approved Tejon Ranch Staff Biologist may reduce the 325-foot setback at his or her discretion depending on the suitability of site conditions; however, the setback would not be less than 100 feet unless approved by the Service.</p> <p style="padding-left: 40px;">The land on which the avoided occurrences of Tehachapi buckwheat and the buffer around the occurrences will be incorporated into Established or TMV Planning Area Open Space and these areas will be managed for the benefit of the species.</p> <p style="padding-left: 40px;">To preclude the invasion of Argentine ants, within the 325-foot buffer, controls will be implemented using an integrated pest management approach. The controls include (1) providing “dry zones” between development activities and buckwheat populations; (2) ensuring that dry zone container plants installed within 325 feet of buckwheat are ant free prior to installation; (3) maintaining natural hydrological conditions near the buckwheat occurrences; and (4) using drought-resistant plants in fuel modification zones to minimize irrigation requirements.</p> <p>174. Tehachapi buckwheat locations will be marked with a protective barrier during construction activities occurring in proximity to known occurrences, and, as deemed appropriate by the Service-approved Tejon Ranch Staff Biologist, construction activities will be monitored to minimize the potential for disturbance.</p>

Species	Covered Activity	Other Covered Species Conservation Measure
Tejon poppy	Commercial and Residential Development Activities (Long-term Operational)	175. If construction is proposed within 325 feet of Tehachapi buckwheat occurrences (i.e., if the buffer is reduced the by the Service-approved Tejon Ranch Staff Biologist), the Service-approved Tejon Ranch Staff Biologist will perform weekly construction monitoring. The Service-approved Tejon Ranch Staff Biologist’s construction monitoring tasks will include reviewing and approving protective fencing, dust control measures, and erosion control devices before construction work begins; conducting a contractor education session at the preconstruction meeting; and reviewing the site weekly (minimum) during construction to ensure the fencing, dust control, and BMP measures are in place and functioning correctly and that work is not directly or indirectly impacting the plants. Monitoring reports will include remedial recommendations and issue resolution discussions when necessary.
	Plan-Wide Activities (Other)	Compliance with Other Covered Species Measures 10.  Compliance with Other Covered Species Measures 13, 17, 18, and 19.
	Plan-Wide Activities (Construction)	176. A grazing management plan for open space will be prepared that regulates livestock grazing and range management activities to continue to maintain existing modeled habitat for Tehachapi buckwheat while continuing to provide for commercial ranching and fire protection.  Compliance with Other Covered Species Measures 4, 14, 15, 172, 173, 174, and 175.
	Suitable Habitat and General Conservation Measures	
	All	177. 12,533 acres (99%) of modeled habitat for Tejon poppy will be conserved within Established Open Space, TMV Planning Area Open Space, and Existing Conservation Easement Areas.
	Other Conservation Measures	
	Commercial and Residential Development Activities (Construction)	Compliance with Other Covered Species Conservation Measures 4, 5, and 6.  178. Surveys prior to grading will be conducted in suitable habitat within 150 feet of the project disturbance zone for presence/absence of Tejon poppy during the appropriate survey season and when the species is detectable.

Species	Covered Activity	Other Covered Species Conservation Measure
		179. Tejon poppy locations will be marked with a protective barrier during construction activities occurring in proximity to known occurrences and, as deemed appropriate by Service-approved Tejon Ranch Staff Biologist, construction activities will be monitored to minimize the potential for disturbance.
	Commercial and Residential Development Activities (Long-term Operational)	Compliance with Other Covered Species Conservation Measures 10.
	Plan-Wide Activities (Other)	Compliance with Other Covered Species Measures 13, 17, 18, and 19.
		180. A grazing management plan for open space will be prepared that regulates livestock grazing and range management activities to continue to maintain existing modeled habitat for Tejon poppy while continuing to provide for commercial ranching and fire protection.
	Plan-Wide Activities (Construction)	Compliance with Other Covered Species Conservation Measures 4, 14, 15, 178, and 179.

#### 2.2.2.4 Monitoring and Reporting

Under the Proposed TU MSHCP Alternative, TRC would implement a compliance and effectiveness monitoring and reporting program to achieve the following goals:

- To ensure that avoidance, minimization, mitigation, and conservation measures are fully implemented.
- To determine if effects on the Covered Species on the Covered Lands have correctly been anticipated.
- To determine if the avoidance, minimization, mitigation, and conservation measures are effective as predicted.

The monitoring and reporting program would include a range of elements pertaining to the California condor, including compliance monitoring (e.g., inspection of the activities of invitees and lessees for compliance with protections measures, reporting the occurrence of any habituated condors to the Service, monitoring for enforcement of the lead ban), effectiveness monitoring (e.g., monitoring hunter-killed game and gut piles for lead, use of preserved foraging areas by condors, incidence of microtrash feeding to chicks, and occurrences of collision with structures), and reporting (e.g., reports to the Service of the results of compliance monitoring, including non-compliance, any construction activities associated with the Plan-Wide Activities, educational materials and program, any deterrence efforts, dead or injured birds, and any adaptive measures taken). Similarly, the monitoring and reporting program for effects on the other Covered Species would include compliance monitoring (e.g., monitoring of effects on modeled habitat, monitoring of effects on wildlife species, where possible, additions to protected areas, implementation of avoidance and minimization measures, preconstruction training, monitoring of effects on covered plants, and funds expended on management and monitoring), effectiveness monitoring (e.g., baseline surveys, preconstruction surveys, avoidance monitoring, relocation monitoring, and monitoring components of management plans) and reporting (e.g., annual reporting including effects on Covered Species and habitat, quantified cumulative effects, lands added to the open space system, description and analysis of data collected for compliance and effectiveness monitoring, synthesis of management activities, documentation of unforeseen circumstances, and adaptive management triggers and efforts).

A detailed description of the monitoring and reporting program under the Proposed TU MSHCP Alternative is provided in Section 4.5, Monitoring and Reporting, and 7.3, Monitoring Measures, of the TU MSHCP.

#### 2.2.2.5 Adaptive Management

Habitat conservation plans (HCPs) are required to contain adaptive management provisions when there are substantial gaps in information concerning the covered species that may pose significant risk after the issuance of an ITP. These uncertainties may include lack of ecological data (e.g., food sources, foraging habits, territory size), uncertainty about habitat or species management, uncertainty regarding the effectiveness of certain conservation strategies or measures, or uncertainty about the extent of potential effects posed by the activities covered by the ITP.

Although adaptive management plans can become important for species where gaps in biological data incur significant risks to species, not all Covered Species require a detailed adaptive management plan (U.S. Fish and Wildlife Service 1996, Section 3.B.3.g). The primary conservation strategy under the Proposed TU MSHCP Alternative is the permanent preservation of at least 116,523 acres (82%) of TU MSHCP Mitigation Lands. With the permanent protection of Existing Conservation Easement Areas per the Ranchwide Agreement, a total of 129,318 acres (91%) of the

Covered Lands would be managed as open space. These open space areas would be managed, consistent with historic use, in a manner that promotes the conservation of, and limits effects on, the Covered Species resulting from the Covered Activities. Although there is some uncertainty inherent in the ecological data and ecological projections used to develop the TU MSHCP, it is not anticipated that gaps in knowledge would result in significant new risks to the Covered Species. Nevertheless, ecosystems are dynamic environments of interacting processes and biotic and abiotic components, potential climate change effects are not well known, and ecological processes are not linear. Consequently, management and adaptive management activities under the Proposed TU MSHCP Alternative would be directed toward avoiding and minimizing potential effects on Covered Species that may result from increased human presence in proximity to conserved open space. The biological goals and objectives developed for each species, which include preservation of large areas of habitat, have been designed to account for changes in species use of the Covered Lands as a result of the Covered Activities. The TU MSHCP also incorporates specific actions, referred to as Changed Circumstances, to be taken in the event of drought, fire, or new listings of species or designation of critical habitat not covered by the TU MSHCP, as discussed below.

Adaptive management measures undertaken as part of the Proposed TU MSHCP Alternative would be coordinated with the management strategies and adaptive management standards as they emerge from the Tejon Ranch Conservancy's management of open space areas pursuant to the Ranchwide Agreement. In particular, sharing baseline information and monitoring and reporting data in an accessible, uniform database would facilitate adaptive management efforts. Certain adaptive management activities, such as exotics control or grazing management, if carried out in the Covered Lands and throughout the ranch, may increase research value and benefits for Covered Species.

How California condors that use the ranch would adapt to some of the Covered Activities included in the Proposed TU MSHCP Alternative is not entirely known. Therefore, the following measures and processes would be employed, should an adaptive management approach be necessary.

- If, as a result of ongoing monitoring by a Service-approved biologist and the Service, it is determined that California condors are regularly ingesting microtrash on the Covered Lands, engaging in behaviors in the Covered Lands where ingestion of microtrash is likely to occur, or colliding with or landing on artificial structures on the Covered Lands, an evaluation will be conducted by TRC and the Service to assess options for reducing the instances of microtrash ingestion, collisions, and habituation. Remedies can include increased education and awareness of Tejon residents, guests, staff, and workers regarding the dangers of microtrash; increased monitoring of events and activities that are potential sources of microtrash; more frequent collection of microtrash; and revision of guidelines regarding location of antennas and towers, as set forth in the Implementing Agreement.
- If, as a result of ongoing monitoring by a Service-approved biologist and the Service (due to ongoing analysis of global positioning system [GPS], radio telemetry, and observational data), it is determined that California condors are using areas of the Covered Lands that could result in undesirable behavior by condors or cause a danger to condors, the Service would be alerted to the locations and could consider implementing various actions to deter condors from occurring in these areas. Consideration should be given to ensuring that carcass dumps and gut piles from hunter-killed game animals are being deposited at locations appropriately distant from existing development.

### 2.2.2.6 Changed Circumstances

Changed circumstances are defined under the Federal No Surprises Rule (50 CFR 17.3) as “changes in circumstances affecting a species or geographic area covered by a conservation plan or agreement that can reasonably be anticipated by plan or agreement...and that can be planned for”. The Proposed TU MSHCP Alternative would include three specific changed circumstances: drought/climate change, fire/climate change, and the new listings of species or designation of critical habitat not covered by the TU MSHCP.

#### Drought

Drought is defined in the TU MSHCP as climatic drought at least three years in length, as declared by DWR. If a climatic drought occurs within the Covered Lands, TRC and the Service would assess the damage caused by the drought, and TRC would implement the following initial actions: (1) prepare a damage assessment report; (2) recommend actions to ameliorate the effects of climatic drought on the Covered Species, such as provisions of temporary artificial water sources (e.g., wildlife guzzlers) for the benefit of Covered Species adversely effected by drought, or implementation of elements of the fuel management plan to minimize the risk of wildfire; and (3) implement other appropriate adaptive management measures, such as specific components of the grazing management plan or IPMP.

#### Fire

Short interval return fires (i.e., those occurring with greater frequency in the same location than indicated by historic records) are regarded as a changed circumstance under the Proposed TU MSHCP Alternative. For specific types of fires that are damaging to biological resources within the Covered Lands, the cause of the fire would be reviewed and preventative measures, such as a reconfiguration of fuel breaks, would be considered. If an increase in fire frequency occurs within the Covered Lands, TRC and the Service would assess the damage caused by the fire, and TRC would implement the following initial actions: (1) develop and implement a program to monitor natural re-growth within the damage area for an appropriate period; (2) if it determined that natural re-growth is not occurring and that such absence would adversely affect Covered Species, an action plan identifying efforts to improve habitat conditions would be developed and implemented. Efforts to improve habitat conditions could include, for example, reseeding burned areas with native plant seeds; and (3) implement other appropriate adaptive management measures, such as specific components of the grazing management plan or IPMP.

#### New Listings of Species and Designation of Critical Habitat

In the event of a new listing of one or more species not covered by the TU MSHCP, or designation of new critical habitat on the Covered Lands, the Service and TRC would identify actions that may cause take, jeopardy, or adverse modification of critical habitat, and avoid such actions in the implementation of the Covered Activities until approval of an amendment of the TU MSHCP occurs. Avoidance measures would include the following actions: (1) an evaluation of the Covered Activities and their potential effects on the newly listed species or critical habitat, including an assessment of the presence of suitable habitat within the areas potentially affected by the Covered Activities, and surveys for newly listed species using accepted protocols, as appropriate; (2) implementation of measures to avoid effects on the newly listed species or adverse modification of critical habitat, based on the results of the data in the context of the design of the Covered Activities; (3) evaluation by the Service to determine if the Covered Activities should be modified to ensure the activities covered under the TU MSHCP are not likely to jeopardize or result in the take of the newly listed species, or adverse modification of any critical habitat. TRC will implement the modifications to the Covered Activities identified by the Service as necessary to avoid the likelihood of jeopardy to or

take of the newly listed species or adverse modification of critical habitat, and shall continue to implement such modifications until an amendment of the ITP has been approved by the Service, or until the Service notifies TRC in writing that the modifications to the Covered Activities are no longer required to avoid the likelihood of jeopardy of the newly listed species or adverse modification of critical habitat.

A more detailed description of changed circumstances under the Proposed TU MSHCP Alternative is provided in Section 8, Changed Circumstances and Plan Implementation, in the TU MSHCP.

### **2.2.2.7 Term of Incidental Take Permit**

Under the Proposed TU MSHCP Alternative, the Service would issue an ITP with a 50-year term.

## **2.2.3 Condor Only HCP Alternative**

The Condor Only HCP Alternative would involve approval of an HCP and ITP for only the California condor. Measures to mitigate for effects on the other Covered Species would not be included in the HCP, although general natural resource protection measures in the Ranchwide Agreement and the TMV Project Approvals would apply in the TMV Planning Area. Take of other federally listed species would be avoided under this alternative through project-specific review and approvals, and by siting development in a manner that avoids occurrences of the species. Development and open space preservation would be consistent with those elements described in the Proposed TU MSHCP Alternative. Plan-Wide Activities would also be same as those described in the Proposed TU MSHCP Alternative, except that all management and mitigation elements would be limited to California condor-related measures. Similarly, the conservation measures and adaptive management elements of the Condor Only HCP Alternative would be limited solely to those for the California condor. No development would occur in the Condor Study Area under the Condor Only HCP Alternative.

### **2.2.3.1 Species**

The only species that would be covered under the Condor Only HCP Alternative would be the California condor.

### **2.2.3.2 Activities Considered in the Analysis**

#### **Plan-Wide Activities**

The Plan-Wide Activities that would occur under the Proposed TU MSHCP Alternative would also occur under the Condor Only HCP Alternative, except that the mitigation, monitoring and management activities described as Plan-Wide Activities would be limited to actions related to the California condor. Similarly, the avoidance, minimization, and mitigation measures for the Plan-Wide Activities under the Proposed TU MSHCP Alternative would be limited to actions related to the California condor, as summarized in Table 2-3 and Section 2.2.3.3, Conservation Measures, below. The Plan-Wide Activities would be conducted to avoid occurrences of other federally listed species. No more than 200 acres would be permanently disturbed to facilitate Plan-Wide Activities under the Condor Only HCP Alternative.

#### **Open Space**

The open space protected under the Condor Only HCP Alternative would be the same as the open space protected under the Proposed TU MSHCP Alternative (i.e., 129,318 acres, including 116,523 acres in the TMV Planning Area Open Space and Established Open Space and 12,795 acres in Existing Conservation Easement Areas) (Figure 2-5). The TU MSHCP Mitigation Lands (116,523

acres) are assumed to be the same as required under the Proposed TU MSHCP Alternative and would be dedicated according to the same phasing.

### **Commercial and Residential Development Activities**

Residential and commercial development under the Condor Only HCP Alternative would be the same as described for the Proposed TU MSHCP Alternative (Figure 2-5).

#### **2.2.3.3 Conservation Measures**

Under the Condor Only HCP Alternative, the avoidance, minimization, mitigation, and conservation measures set forth in the Proposed TU MSHCP Alternative would be limited to those listed for the California condor (Table 2-3). Avoidance of take of the other federally listed species would be achieved through project-specific reviews and approvals, and by siting development to avoid occurrences of the species. The natural resources protection measures from the TMV Project Approvals would apply (Appendix J). The application of ESA species protection measures at a project-specific level would be required to meet applicable legal requirements, but would not provide for a comprehensive level of resource planning and corresponding species protection measures across the entire Covered Lands.

#### **2.2.3.4 Monitoring and Reporting**

TRC would implement a compliance and effectiveness monitoring and reporting program limited to the California condor under the Condor Only HCP Alternative. The program would be intended to achieve the following goals:

- Ensure that avoidance, minimization, mitigation, and conservation measures are fully implemented.
- Determine if effects on the California condor on the Covered Lands have correctly been anticipated.
- Determine if the avoidance, minimization, mitigation, and conservation measures are effective as predicted.

Only the monitoring and reporting measures relevant to condors described for the Proposed TU MSHCP Alternative in Section 2.2.2.4, Monitoring and Reporting, would occur under this alternative.

#### **2.2.3.5 Adaptive Management**

The adaptive management approach under the Condor Only HCP Alternative would be limited to the adaptive management measures relative to the California condor described for the Proposed TU MSHCP Alternative.

#### **2.2.3.6 Changed Circumstances**

The changed circumstances identified for the Proposed TU MSHCP Alternative would also apply under the Condor Only HCP Alternative.

#### **2.2.3.7 Term of Incidental Take Permit**

Under the Condor Only HCP Alternative, the Service would issue an ITP with a 50-year term.

## 2.2.4 CCH Avoidance MSHCP Alternative

The CCH Avoidance MSHCP Alternative would involve the issuance of an ITP by the Service pursuant to an MSHCP that would address 27 Covered Species and would cover both Commercial and Residential Development Activities and Plan-Wide Activities, as described below. Under this alternative, no commercial or residential development would occur in any critical habitat for the California condor. Instead, development under the CCH Avoidance MSHCP Alternative would follow Kern County General Plan designations and would cluster most commercial and residential development in the southwestern portion of the Covered Lands. This alternative would include infrastructure inside critical habitat as necessary to serve such development (e.g., access and water/sewer), with any required permanent ground disturbance subject to a 200-acre disturbance limit applicable to all Plan-Wide Activities combined. The CCH Avoidance MSHCP Alternative also assumes implementation of the Ranchwide Agreement, where development boundaries outside critical habitat conform to the development setbacks and general boundaries provided in that agreement.

### 2.2.4.1 Species

Covered Species under the CCH Avoidance MSHCP Alternative would be the same as those considered under the Proposed TU MSHCP Alternative (Table 2-2).

### 2.2.4.2 Activities Considered in the Analysis

#### Plan-Wide Activities

Plan-Wide Activities would continue to occur throughout the Covered Lands and would be the same as those set forth for the Proposed TU MSHCP Alternative.

#### Open Space

Permanently preserved open space under the CCH Avoidance MSHCP Alternative would consist of 130,339 acres (92% of the Covered Lands), including those areas subject to conservation requirements under the Ranchwide Agreement (i.e., the 93,522-acre Established Open Space and the 12,795 acres of Existing Conservation Easement Areas), and an additional 24,022 acres of open space in the TMV Planning Area) (Figure 2-6). The portions of the Covered Lands owned by TRC in California condor critical habitat would be permanently protected. While Commercial and Residential Development Activities would not occur in condor critical habitat, ground disturbance associated with construction and maintenance of infrastructure to serve development (e.g., access roads with siting restrictions and BMPs) and implementation of Plan-Wide Activities as described above would occur in these areas.

#### Commercial and Residential Development Activities

Development would be consolidated in the southwestern portion of the Covered Lands, in the portion of the TMV Planning Area nearest to I-5, including West of Freeway, and in areas outside condor critical habitat (Figure 2-6). Development would not include the TMV Project, as that project would extend into California condor critical habitat. In total, this alternative would allow for 3,161 dwelling units and 1,804,390 square feet of commercial development to be built in a 4,496-acre Disturbance Area encompassing portions of the TMV Specific Plan Area (4,061 acres), West of Freeway (170 acres), and the Lebec/Existing Headquarters Area (265 acres). Under this alternative, the Disturbance Area would be the same as the Development Envelope. No development would occur in Oso Canyon.

The population would be anticipated to increase by 9,957 people under the CCH Avoidance MSHCP Alternative.

### **2.2.4.3 Conservation Measures**

The primary conservation measure under the CCH Avoidance MSHCP Alternative would be the permanent preservation of at least 117,544 acres (83%) of the Covered Lands as mitigation lands; an additional 12,795 acres of Existing Conservation Easement Areas would be preserved and managed consistent with the terms of the applicable recorded conservation easement. Like the Proposed TU MSHCP Alternative, the mitigation lands would be permanently protected by conservation easements or deed restrictions over all such lands, beginning prior to ground disturbance and ending before the expiration of the permit term. These areas would be managed in a manner consistent with their historic use and to ensure preservation of their conservation values for the Covered Species.

In addition to the permanent preservation of open space in the Covered Lands, the CCH Avoidance MSHCP Alternative would include the same avoidance, minimization, and mitigation measures provided under the Proposed TU MSHCP Alternative intended to further ensure conservation and recovery of the California condor, as well as conservation of suitable habitat for all Covered Species, as summarized in Tables 2-3 and 2-4.

### **2.2.4.4 Monitoring and Reporting**

Under the CCH Avoidance MSHCP Alternative, TRC would implement a compliance and effectiveness monitoring and reporting program for all Covered Species. The program would be intended to achieve the following goals:

- Ensure that avoidance, minimization, mitigation, and conservation measures are fully implemented.
- Determine if effects on the California condor on the Covered Lands have correctly been anticipated.
- Determine if the avoidance, minimization, mitigation, and conservation measures are effective as predicted.

The monitoring and reporting program would be similar to the monitoring and reporting program under the Proposed TU MSHCP Alternative, as described in Section 2.2.2.4, Monitoring and Reporting.

### **2.2.4.5 Adaptive Management**

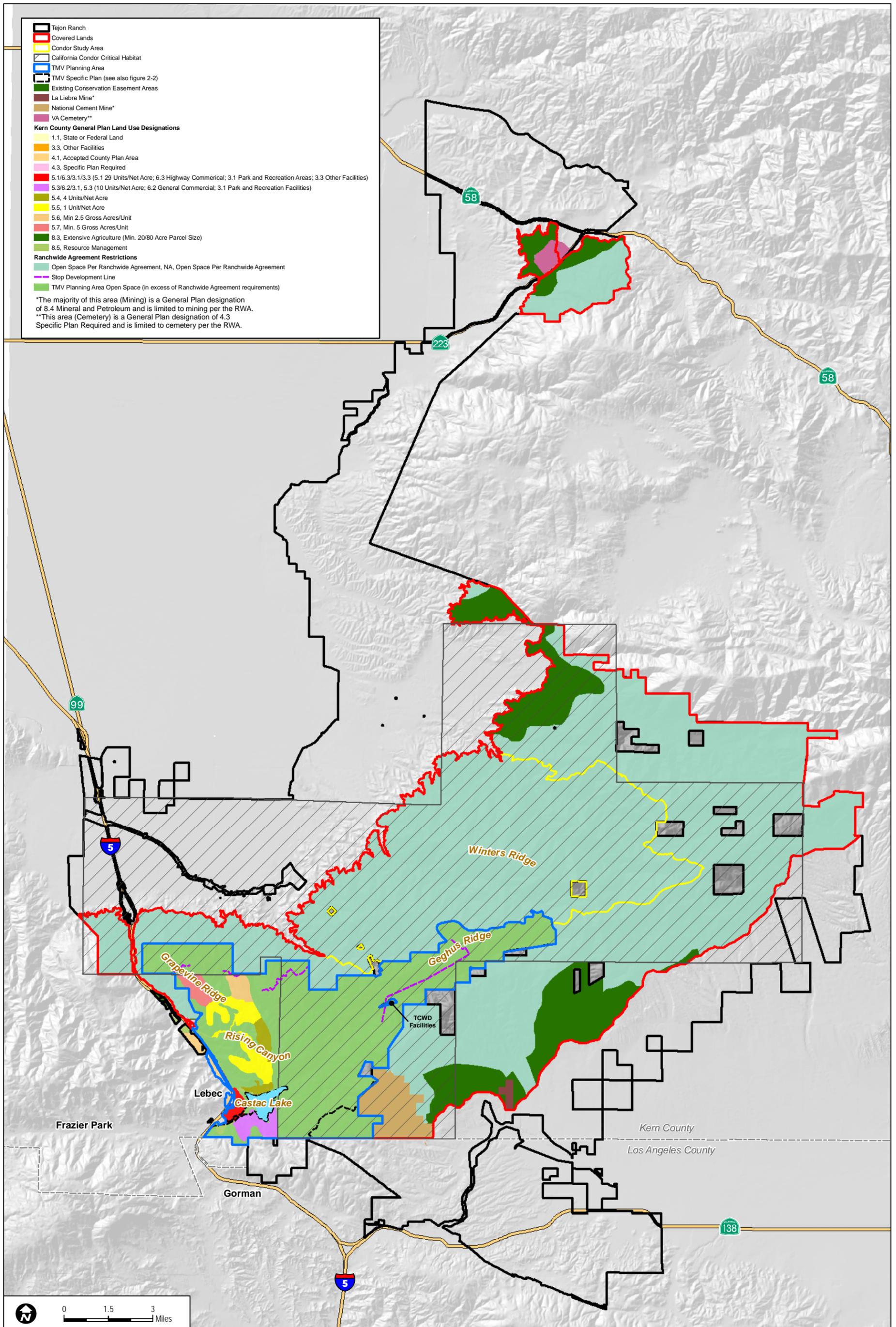
The adaptive management approach would be the same as the approach provided under the Proposed TU MSHCP Alternative.

### **2.2.4.6 Changed Circumstances**

The changed circumstances identified for the Proposed TU MSHCP Alternative would also apply under the CCH Avoidance MSHCP Alternative.

### **2.2.4.7 Term of Incidental Take Permit**

Under the CCH Avoidance MSHCP Alternative, the Service would issue an ITP with a 50-year term.



SOURCE: TRC 2007

FIGURE 2-6

**Condor Critical Habitat Avoidance MSHCP Alternative**

Supplemental Draft Environmental Impact Statement Tehachapi Uplands Multiple Species Habitat Conservation Plan



## 2.2.5 Kern County General Plan Buildout Alternative

Under this alternative, development would proceed in accordance with the Kern County General Plan, which would include implementation of the TMV Project (as approved by Kern County). For purposes of this NEPA analysis, it is assumed that development would proceed on an *ad hoc*, project-by-project basis, after approval by Kern County, and with the Service considering effects on federally listed species through project-specific ESA consultation processes.

Because the Ranchwide Agreement is a private agreement between the Resource Groups, TRC, and Tejon Ranch Conservancy, and the Service is not a party to and has no contractual standing under the agreement, it can be amended (or even terminated) by mutual agreement of the parties such that the land preservation outcome of the Ranchwide Agreement on the Covered Lands may not be realized. The Ranchwide Agreement has resulted in the recordation of conservation easements on 12,795 acres of Covered Lands (Existing Conservation Easement Areas); however, the remainder of the Covered Lands to be precluded from development under this agreement do not currently have conservation easements recorded. Therefore, while the Service considers it unlikely that the Ranchwide Agreement would be terminated, for purposes of a comprehensive NEPA analysis, this alternative does not assume continuation of the Ranchwide Agreement, except for the permanent protection of the already-recorded conservation easements on the Existing Conservation Easement Areas.

### 2.2.5.1 Species

Compliance with the ESA through the Section 7 or 10 processes would be provided by the Service on a project-by-project basis under the Kern County General Plan Buildout Alternative. Incidental take coverage provided through those project-specific consultation processes would be dependent on the nature of the project and potential effects on federally listed species.

### 2.2.5.2 Activities Considered in Analysis

#### Existing Ranch Uses

The Existing Ranch Uses set forth in the No Action Alternative would also occur under the Kern County General Plan Buildout Alternative, except that the BMPs and use restrictions required pursuant to the Ranchwide Agreement would not apply.

#### Open Space

With respect to open space, the Kern County General Plan Buildout Alternative would permanently protect 34,130 acres of open space, including 12,795 acres of Existing Conservation Easement Areas and 21,335 acres of permanent open space required by the TMV Project Approvals. An additional 85,262 acres would fall in Restricted Open Space, and would be available for mitigation as needed, as described below (Figure 2-7).

#### Restricted Open Space

Restricted Open Space under the Kern County General Plan Buildout Alternative would consist of those lands in the 8.2, 8.3, 8.5 (minimum 20/80-acre parcel size) and 5.7 (minimum 5 gross acres/unit) general plan land use designations not expected to be developed with single family structures. For purposes of this NEPA analysis, it was assumed that each parcel permitted under these land use designations would include a single family structure disturbing 2 acres. The remainder of the parcel (for example, 78 acres of an 80 acre parcel or 18 acres of a 20 acre parcel), would remain undeveloped. These undeveloped areas are referred to as Restricted Open Space

under the Kern County General Plan Buildout Alternative. A total of 85,262 acres of Restricted Open Space would occur under this alternative as depicted in Figure 2-7.

For purposes of analysis, the following is assumed in Restricted Open Space areas:

- No new development, with the exception of limited development-related infrastructure (e.g., access roads, utility lines) would occur in these areas because such development would not be consistent with existing Kern County General Plan designations.
- Ongoing uses such as grazing would continue in these areas consistent with existing Kern County practices and existing physical constraints, such as available water supply.
- Restricted Open Space areas would be available as mitigation lands for effects on federally listed species on a project-by-project basis. Lands set aside for project-specific mitigation may be managed for the benefit of the Covered Species with appropriate funding and management.

### **Commercial and Residential Development Activities**

Development under this alternative would occur in accordance with the Kern County General Plan and would likely reflect existing general plan designations. Buildout would result in the development of 7,238 dwelling units and 2,144,810 square feet of commercial development in a 12,142-acre Disturbance Area encompassing 5,774 acres in the TMV Planning Area, 265 acres in Lebec/Existing Headquarters, 16 acres in the TCWD parcel, and 6,117 acres in large lot, rural general plan designation areas. The Disturbance Area would be located within a larger 14,934 acre Development Envelope under this alternative. The TMV Project would proceed as approved by Kern County.

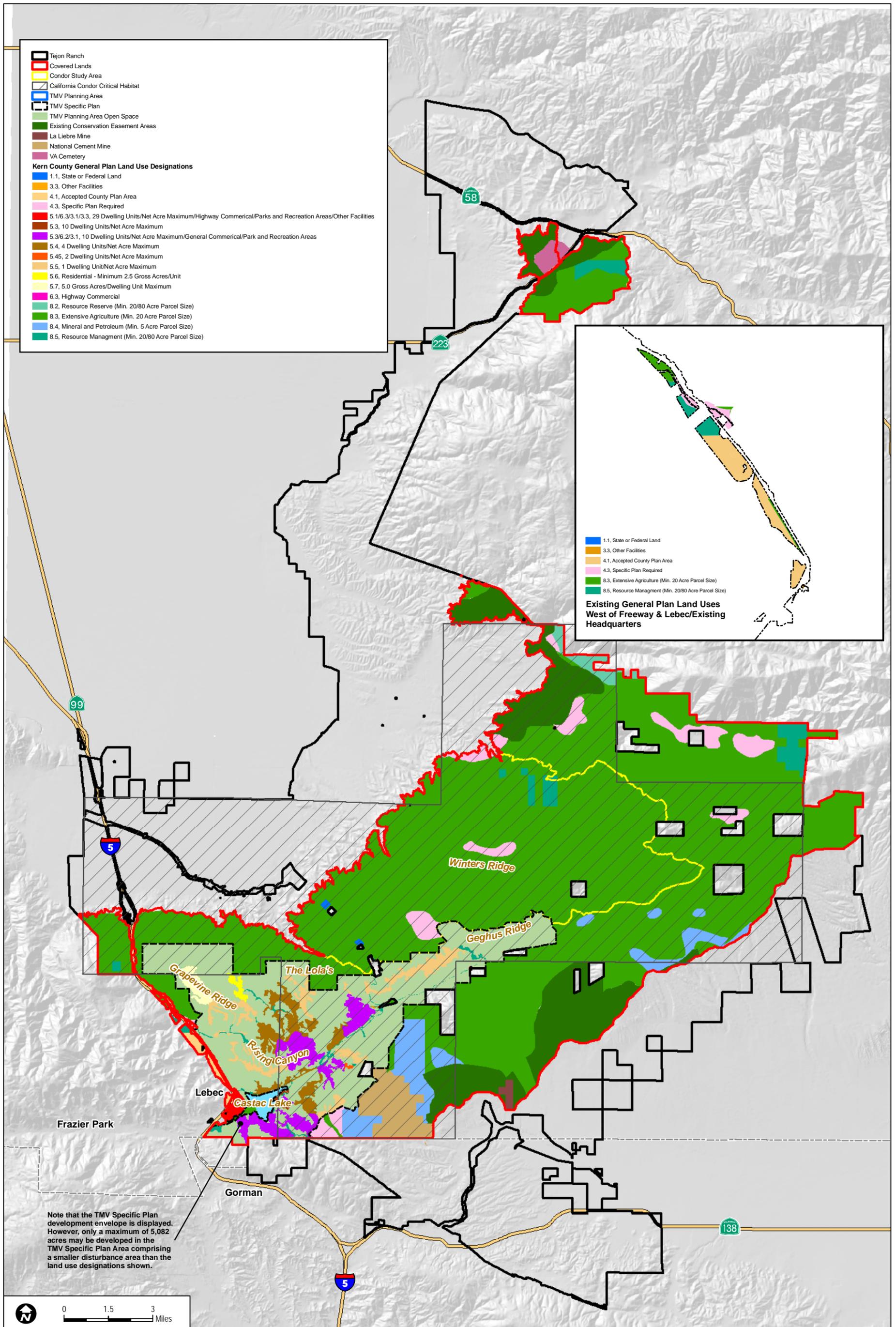
The population would be anticipated to increase by 22,800 people under the Kern County General Plan Buildout Alternative.

#### **2.2.5.3 Conservation Measures**

Similar to the other alternatives, the primary conservation measure under the Kern County General Plan Buildout Alternative would be the permanent protection of contiguous tracts of the Covered Lands. As described above, conserved and Restricted Open Space lands under the Kern County General Plan Buildout Alternative would consist of:

- 21,335 acres in the TMV Planning Area set aside as part of the TMV Project Approvals,
- 12,795 acres in the Existing Conservation Easement Areas set aside as part of Wildlife Conservation Board purchase, and
- 85,262 acres of Restricted Open Space, including those portions of general plan designation areas 8.2, 8.3, 8.5, and 5.7 that would not be developed with single-family structures.

Although development would proceed on a project-by-project basis, it is assumed that the 34,130 acres of open space (excluding Restricted Open Space) identified above would serve as mitigation for any incidental take authorized by the Service. The additional 85,262 acres of Restricted Open Space would be available for use as mitigation on a project-by-project basis. In addition, the mitigation measures required as part of the TMV Project would be implemented in accordance with Kern County's approval. Onsite avoidance and minimization measures similar to those in the Proposed TU MSHCP Alternative are assumed for the remainder of the development under this alternative, to the extent they would be required by a federal, state, or local agency or jurisdiction during the project approval process.



SOURCE: TRC 2007

**FIGURE 2-7**  
**Kern County General Plan Buildout Alternative**



#### 2.2.5.4 Monitoring and Reporting

Monitoring and reporting would be required on a project-by-project basis. There would not be a coordinated approach to considering mitigation effectiveness across all the permanently preserved open space or Restricted Open Space under the Kern County General Plan Buildout Alternative.

#### 2.2.5.5 Adaptive Management

The extent of any adaptive management approach, as required, would be determined on a project-by-project basis.

#### 2.2.5.6 Changed Circumstances

No specific provisions for changed circumstances are provided under the Kern County General Plan Buildout Alternative.

### 2.3 Summary and Comparison of Alternatives

The following section summarizes the major components of each of the alternatives considered in detail in this EIS. Tables 2-5 and 2-6 comparatively summarize the relevant land uses, Disturbance Areas, and types of development for each alternative.

- **No Action Alternative.** Under the No Action Alternative, the proposed issuance of an ITP would not occur. No commercial or residential development would occur under this alternative, but Existing Ranch Uses would continue at current levels and in a manner that avoids take of federally listed species. The Ranchwide Agreement, including the use restrictions and BMPs to protect conservation values, as currently reflected in the Interim RWMP and required by the conservation easements to be recorded pursuant to that agreement, would remain in effect and the TMV Project and other future commercial or residential development allowed in the Covered Lands under the Ranchwide Agreement would not occur. The conditions of approval for the TMV Project by Kern County identify certain actions to be undertaken by Service, including directing the operation of a feeding station and capture of California condors that have become habituated. The No Action Alternative does not assume future action on the part of the Service, including future action identified as a condition of Kern County's approval of the TMV Project. It is assumed the Service would continue to provide technical assistance to TRC regarding the California condor under the No Action Alternative.

Approximately 106,317 acres (75%) of the Covered Lands would be preserved permanently through the Ranchwide Agreement under this alternative, all of which would be managed consistent with the terms of the BMPs and use restrictions required pursuant to the Ranchwide Agreement and required conservation easements. The remaining areas within the Covered Lands would continue to support historic ranch management practices (no commercial or residential development would be allowed).

- **Proposed TU MSHCP Alternative.** Under this alternative, a 50-year ITP would be issued for incidental take of 27 Covered Species resulting from implementation of the Covered Activities. Covered Activities would include Commercial and Residential Development Activities and Plan-Wide Activities (i.e., ongoing and foreseeable future ranch uses). Development would include construction of up to 3,632 dwelling units and 1,804,390 square feet of commercial development in a 5,533-acre Disturbance Area (and in a Development Envelope of 8,817 acres). This development would occur in the TMV Planning Area, the Lebec/Existing Headquarters Area, and at the TCWD facility, as defined in Table 2-1. Plan-Wide Activities would include the

Existing Ranch Uses set forth in the No Action Alternative and some additional development-related future uses, including development-serving infrastructure, as limited by the terms of the Ranchwide Agreement, TU MSHCP, ESA, and recorded conservation easements. Plan-Wide Activities would occur in open space areas, as described below, with permanent land disturbance from Plan-Wide Activities limited to 200 acres.

Approximately 116,523 acres (82%) of the Covered Lands would be preserved as TU MSHCP Mitigation Lands. An additional 12,795 acres of Existing Conservation Easement Areas conserved through the Ranchwide Agreement would be permanently preserved and managed consistent with the terms of the applicable recorded conservation easement. In total, approximately 129,318 (91%) of the Covered Lands would be permanently preserved as open space under this alternative.

- **Condor Only HCP Alternative.** Under this alternative, a 50-year ITP would be issued for incidental take of California condors resulting from implementation of the Covered Activities. Commercial and Residential Development Activities, Plan-Wide Activities, and open space preservation would be the same as for the Proposed TU MSHCP Alternative, and the Ranchwide Agreement would be implemented. This alternative would include conservation measures for the California condor, but not for any other species, except those measures required of the TMV Project per the Ranchwide Agreement and TMV Project Approvals. Take of other federally listed species would be avoided under this alternative through project-specific review and approvals, and by siting development in a manner that avoids occurrences of the species.

Identical to the Proposed TU MSHCP Alternative, approximately 129,318 (91%) of the Covered Lands would be permanently preserved as open space under this alternative.

- **CCH Avoidance MSHCP Alternative.** Under this alternative, a 50-year ITP would be issued for incidental take of 27 Covered Species resulting from implementation of the Covered Activities. No Commercial or Residential Development Activities would occur in critical habitat for the California condor. The Ranchwide Agreement would be implemented, and development boundaries outside condor critical habitat would conform to the development setbacks and general boundaries provided in that agreement. This alternative would not include the TMV Project.

Development would be clustered more densely in the southwestern portion of the Covered Lands, in the portion of the TMV Planning Area near I-5, outside condor critical habitat. Infrastructure inside condor critical habitat necessary to serve such development (e.g., access and water/sewer) could be constructed subject to the 200-acre disturbance area limitation associated with Plan-Wide Activities. Development would allow for 3,161 dwelling units and 1,804,390 square feet of commercial development, to be built in a 4,496-acre Disturbance Area (same size as the Development Envelope) encompassing 4,061 acres in the TMV Specific Plan Area, 170 acres in West of Freeway, and 265 acres in Lebec/Existing Headquarters Area.

Approximately 130,339 acres (92% of the Covered Lands) would be permanently preserved in open space, including those areas subject to conservation requirements under the Ranchwide Agreement (i.e., 93,522 acres in Established Open Space and 12,795 acres in Existing Conservation Easement Areas), and an additional 24,022 acres of TMV Planning Area Open Space.

- Kern County General Plan Buildout Alternative.** Under this alternative, development in the Covered Lands would proceed in accordance with the Kern County General Plan on a project-by-project basis after approval from Kern County. Any incidental take authorized by the Service under the ESA Section 7 or 10 processes would be provided on a project-by-project basis. This alternative would include the TMV Project, and development would include 7,238 dwelling units and 2,144,810 square feet of commercial development in a 12,142-acre Disturbance Area (14,934 acre Development Envelope). On site avoidance and minimization measures for development activities would be implemented as required by Federal, state, and local review and approval processes. Existing Ranch Uses, as set forth in the No Action Alternative, would occur, except that the BMPs and use restrictions provided pursuant to the Ranchwide Agreement would not apply.

The Kern County General Plan Buildout Alternative would include 34,130 acres of permanently protected open space, including 12,795 acres in Existing Conservation Easement Areas and the 21,335 acres of permanent open space required by the TMV Project approvals. In addition, 85,262 acres of Restricted Open Space would not be developed with single family structures, and would be available for use as mitigation lands on a project-by-project basis.

The Kern County General Plan Buildout Alternative does not assume continuation of the Ranchwide Agreement, except for the permanent protection of the already recorded conservation easements over the Existing Conservation Easement Areas. Outside of those areas, the remainder of the Covered Lands to be precluded from development pursuant to that agreement would not be bound by the agreement.

**Table 2-5. Development Summary for the Alternatives**

Land Use <sup>1</sup>		Alternatives			
		No Action Alternative	Proposed TU MSHCP and Condor Only HCP Alternatives	CCH Avoidance MSHCP Alternative	Kern County General Plan Buildout Alternative
Commercial/ Residential Development Area – Development	Residential Development (dwelling units)	N/A	3,632	3,161	7,238
	Commercial Development (square footage)	N/A	1,804,390	1,804,390	2,144,810
	Assumed Development Envelope (acres)	N/A	8,817	4,496	14,934
	Development Disturbance Area (acres)	N/A	5,533	4,496	12,142

<sup>1</sup> Land use calculations are provided in Appendix B, Land Use Calculations, of this Supplemental Draft EIS.

**Table 2-6. Land Use Summary for the Alternatives<sup>1</sup>**

Land Use Development		Alternative			
		No Action Alternative	Proposed TU MSHCP and Condor Only HCP Alternatives	CCH Avoidance MSHCP Alternative	Kern County General Plan Buildout Alternative
Open Space	Established Open Space Areas (acreage)	93,522 (66%)	93,522 (66%)	93,522 (66%)	0
	TMV Planning Area Open Space (acreage)	N/A	23,001 (16%)	24,022 (17%)	21,335 (15%)
	Existing Conservation Easement Areas (acreage)	12,795 (9%)	12,795 (9%)	12,795 (9%)	12,795 (9%)
	Restricted Open Space	N/A	N/A	N/A	85,262 (60%)
	<b>Subtotal</b>	<b>106,317 (75%)</b>	<b>129,318 (91%)</b>	<b>130,339 (92%)</b>	<b>119,392 (84%)</b>
Commercial/ Residential Development Area (acres of ground disturbance)	TMV Planning Area	N/A	5,252 (4%)	4,231 (3%)	5,774 (4%)
	<i>West of Freeway</i>	N/A	170 (< 1%)	170 (< 1%)	170 (< 1%)
	<i>TMV Specific Plan Area</i>	N/A	5,082 <sup>2</sup> (4%)	4,061 (3%)	5,082 (4%)
	<i>Oso Canyon</i> <sup>3</sup>	N/A	0	0	492 (< 1%)
	Lebec/ Existing Headquarters	N/A	265 (< 1%)	265 (< 1%)	265 (< 1%)
	Remaining general plan development lands (includes general plan designations 4.3, 5.7, 8.2, 8.3, and 8.5)	N/A	N/A	N/A	6,117 (4%)
	TCWD facilities <sup>4</sup>	N/A	16 (< 1%)	16 (< 1%)	16 (< 1%)
	<b>Subtotal</b>	<b>0 (0%)</b>	<b>5,533 (4%)</b>	<b>4,496 (3%)</b>	<b>12,142 (9%)</b>

Land Use Development		Alternative			
		No Action Alternative	Proposed TU MSHCP and Condor Only HCP Alternatives	CCH Avoidance MSHCP Alternative	Kern County General Plan Buildout Alternative
Commercial/ Residential Development Area (non-Disturbance Area) <sup>5</sup>	Lebec/Existing Headquarters: no development <sup>6</sup>	N/A	145 (< 1%)	145 (< 1%)	145 (< 1%)
	Oso Canyon: no development	N/A	N/A	N/A	N/A
	Remaining General Plan development lands: no development	28,663 <sup>7</sup>	N/A	N/A	3,317 (2.3%) <sup>8</sup>
<b>Subtotal</b>		<b>28,663</b>	<b>145 (&lt; 1%)</b>	<b>145 (&lt; 1%)</b>	<b>3,642 (2%)</b>
Other Lands/Not Covered Activities	Mining <sup>9</sup>	2,636 (2%)	2,636 (2%)	2,636 (2%)	2,636 (2%)
	Veterans Cemetery	384 (< 1%)	384 (< 1%)	384 (< 1%)	384 (< 1%)
	Not-A-Part Inholdings <sup>10</sup>	3,886 (3%)	3,870 (3%)	3,870 (3%)	3,870 (3%)
<b>Subtotal</b>		<b>6,906 (5%)</b>	<b>6,890 (5%)</b>	<b>6,890 (5%)</b>	<b>6,890 (5%)</b>
<b>Total/ Covered Lands</b>		<b>141,886 (100%)</b>	<b>141,886 (100%)</b>	<b>141,886 (100%)</b>	<b>141,886 (100%)</b>

<sup>1</sup> Percentages expressed in the table reflect the percentage of a land use relative to the total acreage of the Covered Lands (141,886 acres).

<sup>2</sup> The 5,082-acre Disturbance Area would occur in a larger Development Envelope (7,860 acres in the TMV Specific Plan Area and 506 acres in Oso Canyon). The TU MSHCP assumes 100% impact of this Development Envelope as a worst-case scenario to assess potential ground-disturbance effects associated with the Covered Activities, including potential effects on the Covered Species; however, it should be noted that this assumption is for analysis purposes only and, in practice, no more than 5,082 acres would be affected by development in this area.

<sup>3</sup> Under the Proposed TU MSHCP Alternative and the Condor Only HCP Alternative, the potential disturbance footprint for Oso Canyon is included in the 5,082 acres identified for the TMV Specific Plan Area. Under the Kern County General Plan Buildout Alternative, the development area would not be restricted and General Plan designations 4.3, 8.3 and 8.4 would apply. Under the CCH Avoidance MSHCP Alternative no development would occur in Oso Canyon, because it is in California condor critical habitat.

<sup>4</sup> For all alternatives, it is assumed that TCWD would provide utilities for development in the Covered Lands. Under the Proposed TU MSHCP Alternative, Condor Only HCP Alternative, and CCH Avoidance MSHCP Alternative, the ongoing provision of water and wastewater services would be a Covered Activity for which TRC would issue a Certificate of Inclusion to TCWD.

<sup>5</sup> Non-Disturbance Areas include areas where it is assumed development would not occur. Specifically, where Kern County General Plan designations allow for one dwelling unit per 20-acre or 80-acre lot, depending on general plan requirements, such as slope, it is assumed that 2 acres of land would be developed on those lots, and the remaining area (e.g., 18 of 20 acres or 78 of 80 acres) would not be developed.

<sup>6</sup> For all alternatives, no development would occur on the 145 acres of land in the Lebec/Existing Headquarters Area on the west side of I-5, which is designated as 8.3 and 8.5 in the Kern County General Plan; however, these areas would not be protected as mitigation lands.

<sup>7</sup> This non-Disturbance Area refers to areas which would not be developed, but also would not be conserved as Established Open Space or Existing Conservation Easement Areas. This is equivalent to the TMV Planning Area (28,253 acres) and the Lebec/Existing Headquarters area (410 acres).

<sup>8</sup> For the Kern County General Plan Buildout Alternative, no commercial or residential use is assumed for the 3,221 acres of mineral and petroleum designated areas. In the absence of a mining proposal, assigning a type and level of mining operations would be speculative; therefore, these lands are assumed to remain undeveloped.

- <sup>9</sup> Mining areas consist of the National Cement Mine (2,438 acres) and the La Liebre Mine (198 acres).
- <sup>10</sup> Approximately 3,870 acres are considered Not-a-Part Inholdings within the Covered Lands (i.e., not owned by TRC and whose uses are not Covered Activities). Although DWR owns 35 acres of this land, 16 of those acres are proposed for coverage for the operation and/or expansion of TCWD facilities, so only 19 of the DWR acres are counted as Not-a-Part Inholdings, except under the No Action Alternative, for which all 35 acres are included as Not-A-Part Inholdings. The remaining Not-a-Part Inholding acres are composed of several smaller, privately owned parcels in the Covered Lands. While TRC has no plan to acquire such parcels and none of the alternatives would provide incidental take coverage for development of these privately owned parcels, given the fragmented and isolated locations of these parcels in the Covered Lands, it was determined that these parcels should be included in the Covered Lands for analysis purposes. As a result, the 3,870 acres of private inholdings are included in the total acreage of the Covered Lands. The inholdings are not, however, included in the EIS analysis because these parcels are not owned by TRC, TRC does not have any development or use plans affecting these lands, and TRC is not seeking coverage for any development of these parcels.
- 

## 2.4 Alternatives Considered But Not Analyzed in Detail

As described in Master Response 15, Procedural Considerations, in Volume II of this Supplemental Draft EIS, since 1999, the Service has been providing technical assistance to TRC to facilitate development of an HCP for California condor. In 2004, the Service released a Notice of Intent to prepare an EIS for TRC's original California Condor HCP. As a result of comments received during the public scoping period for that HCP, TRC decided to revise the California Condor HCP to remove their request for lethal take of the California condor, in compliance with the prohibition on lethal take of individuals under applicable California law; to clarify that hunting was not a Covered Activity under the HCP; and to add additional species to provide for a more comprehensive and integrated species protection program on the Covered Lands. In February 2009, a Draft EIS evaluating the potential effects of the 2009 TU MSHCP was released for public comment. Again, based on public comment, analysis by the U.S. Geological Survey (USGS) on occurrence of the California condor in and around the Covered Lands, and Kern County's approval of the TMV Project, the Draft EIS and associated analysis were revised, as reflected in this Supplemental Draft EIS. Each of the different iterations of the TU MSHCP—including the 2004 California Condor HCP, the 2009 TU MSHCP, and the 2011 Revised Draft TU MSHCP—represent a different alternative considered by the Service in developing this EIS.

Several additional alternatives were recommended by commenters during the public comment period for the 2009 TU MSHCP. The other alternatives suggested by commenters, as further discussed below, reflect several slight variations on species management and development assumed under the five alternatives considered in this Supplemental Draft EIS. One would expand multispecies HCPs to the boundaries of Tejon Ranch, and a number of suggested alternatives would provide additional or reconfigured open space without considering specific species management, and would concentrate development in more urbanized areas or other parts of Tejon Ranch. As described in more detail below, the Service considered the alternatives raised by commenters and, in general, concluded that the suggested alternatives either were not practical or feasible, were within the range of alternatives already considered, were inconsistent with the purpose and need of the proposed Federal action, or a combination of these three scenarios. One suggested alternative—an alternative that would avoid development in California condor critical habitat (and cluster a more dense development near I-5)—has been carried forward into this Supplemental Draft EIS for detailed consideration, and is reflected as the CCH Avoidance MSHCP Alternative. Please refer to Master Response 11, Alternatives, in Volume II of this Supplemental Draft EIS for additional information on the alternatives and alternative selection process in this Supplemental Draft EIS.

## 2.4.1 Alternative Covering All of Tejon Ranch

Under this alternative, the Covered Lands considered under the TU MSHCP would be expanded to include all of Tejon Ranch. As discussed above, the Covered Lands represent 141,886 acres of the 270,365-acre Tejon Ranch. Based on the landform, there are two distinct areas of the Tejon Ranch: the Tehachapi Uplands and the valley floor. The Service and TRC originally discussed an HCP for the entire ranch; however, the parties recognized that the valley floor areas reflect different biological areas generally. As the California condor was the key species driving the HCP, and the valley floor is sufficiently biologically distinct, TRC elected not to include the entire ranch in its application for an ITP. In addition, TRC has not requested coverage for either the Centennial project or the Grapevine project (two other possible future projects on Tejon Ranch contemplated in the Ranchwide Agreement) as part of their application, making incidental take coverage for potential effects associated with activities in these areas not necessary as part of the TU MSHCP process.

The Covered Lands encompass areas of California condor activity on Tejon Ranch based on historic and current radio telemetry, GPS and observational data, elevation limits that define the most current condor activity, and county boundaries. The Covered Lands encompass the Tehachapi Uplands areas of the ranch and associated biota, located roughly between 2,000 amsl on the north side of the mountains and 3,500 feet amsl on the south. Consistent with these two dissimilar biological areas, the TU MSHCP is directed at the mountain landscape, with its distinct species, uses, and habitat types that differ substantially from the species, agricultural uses, and habitat types on the valley floor.

As such, the Service considered the specific species management purposes of the TU MSHCP, and the proposed goals of the applicant, to reasonably define the scope of the Covered Lands, and therefore limited the range of alternatives to those that encompass the Covered Lands and its montane habitats and species—particularly the California condor—rather than the ranch as a whole.

## 2.4.2 Alternative Involving Different Development Sites

Other alternatives considered specific development sites in other areas of Tejon Ranch, including a suggested development at the bottom of the Grapevine near the IKEA development; three or four small, scattered developments (less than 2 square miles and 2,000 residents) on the periphery of Tejon Ranch in the foothills and flat areas outside of the Covered Lands; and a concentrated development nearer to existing metropolitan areas and rail service.

NEPA requires the analysis of a reasonable range of alternatives that are consistent with the proposed Federal action and its related purpose and need. Given that the proposed Federal action is not development, but rather responding to an ITP application—specifically issuance of a permit based on the ITP application (i.e., the TU MSHCP)—evaluating a range of development scenarios that the applicant has no interest in pursuing, or development on other lands owned by the applicant for which it does not request incidental take authorization, is not reasonable and is beyond the scope of the proposed action. Moreover, each of these alternatives would involve development outside of the Covered Lands, and therefore fail to account for the applicant's purpose, which is to pursue development in the Covered Lands. Alternatives that reflect development scenarios that the applicant has not expressed an interest in pursuing on other lands owned by the applicant for which it does not request incidental take authorization is not reasonable. In addition, there are no areas on the Covered Lands that are served by existing rail services or are substantially closer to existing metropolitan areas than the development areas identified for the Proposed TU MSHCP Alternative, so locating development nearer to metropolitan areas or rail service, while meeting the applicant's stated purpose, would not be possible.

The ESA does not direct the Service to evaluate the merits of the underlying lawful activities that trigger the applicant's ITP permit; rather, the Service is directed to evaluate the HCP against the statutory and regulatory permit issuance criteria. Accordingly, potential alternatives to the proposed issuance of an ITP based on the TU MSHCP, and not the merits of the TMV Project and other development, are the focus of the Service's analysis in this EIS.

### 2.4.3 South Coast Wildlands Report

Under this alternative, development on Tejon Ranch would proceed in accordance with the South Coast Wildlands' Proposed Reserve Design for Tejon Ranch: A Threatened California Legacy (Conservation Biology Institute and South Coast Wildlands 2006). The stated purpose of the reserve design is "to design a wildland reserve for the [Tejon] Ranch that captures the broad array of landscape functions and conservation values that it supports." The reserve design includes the entirety of Tejon Ranch, and shows a reserve and three development areas, one of which is on the Covered Lands, largely within the TMV Planning Area.

For the same reasons noted above, the scope of the alternatives in this Supplemental Draft EIS must be reasonably related to the Covered Lands; thus, the report's consideration of areas outside of the Covered Lands is not consistent with the purpose of the proposed action. Further, the reserve design described in the report excludes an area of approximately 8,247 acres in the subbasins of Castac Lake and Grapevine Creek watersheds for development, which is essentially consistent with the development and open space scheme presented in the Proposed TU MSHCP Alternative. This excluded area set aside for development would allow development surrounding Castac Lake and adjacent to I-5, in the southwest corner of the Covered Lands, with slight spillover into areas in Los Angeles County, south of the Covered Lands (Conservation Biology Institute and South Coast Wildlands 2006, p. 13, Figure 6d. Compare to Figure 2-5). This design would result in a concentrated development pattern that correlates roughly to the densest development under the Proposed TU MSHCP Alternative. Although the 8,247 acres excluded from the South Coast Wildlands' reserve design would not follow the exact boundaries of the TMV Specific Plan, in that it would not include much of the large-lot residential development which could potentially provide benefits to species due to connectivity in those areas, the reserve design would potentially allow disturbance of a larger total acreage in the Covered Lands than the 5,533 acres disturbed for development of Covered Activities under the Proposed TU MSHCP Alternative. Thus, to the extent the South Coast Wildlands reserve design encompasses the full ranch and includes development outside the Covered Lands, it fails to meet the project purpose. In addition, proposed development within the Covered Lands under the reserve design reflects an approach similar to the Proposed TU MSHCP Alternative and therefore is within the range of alternatives already considered.

### 2.4.4 National Park or National Wildlife Refuge

Under this alternative, the Covered Lands would be managed as a new national park or wildlife refuge. The national park or wildlife refuge alternative is beyond the stated purpose and need for the Service in this Supplemental Draft EIS and is inconsistent with the purpose and need of TRC; therefore, this alternative is not within the range of reasonable alternatives that must be considered under NEPA. Specifically, an alternative contemplating a transfer to Federal ownership of the privately owned lands on Tejon Ranch to create a national park or refuge is inconsistent with Services purpose and need to respond to the ITP application before it, and the statutory directive of ESA Section 10 to allow limited regulated take of federally listed species on private property incidental to otherwise lawful activities, provided statutory permit issuance criteria are met. The national park or wildlife refuge alternative is also inconsistent with TRC's goals and expectations for use of its property. Moreover, this alternative raises practicality issues and is not feasible for technical and economic reasons, such as the private property status of the Covered Lands. The

Service cannot require a private landowner to dedicate its land as a park or wildlife refuge, and TRC has not indicated an interest in doing so. Therefore, an alternative under which the Covered Lands become a park or wildlife refuge is not within the range of reasonable and feasible alternatives that must be evaluated in an EIS.