

Master Response 10

TMV Project, EIR, and Development-Related Effects Analyses

Table MR10-1. Comments Addressed in Master Response 10

Comment	Commenter
G2-9	U.S. Environmental Protection Agency (Goforth, Kathleen)
G2-10	U.S. Environmental Protection Agency (Goforth, Kathleen)
G2-11	U.S. Environmental Protection Agency (Goforth, Kathleen)
G2-12	U.S. Environmental Protection Agency (Goforth, Kathleen)
G2-17	U.S. Environmental Protection Agency (Goforth, Kathleen)
G2-23	U.S. Environmental Protection Agency (Goforth, Kathleen)
G2-24	U.S. Environmental Protection Agency (Goforth, Kathleen)
G2-41	U.S. Environmental Protection Agency (Goforth, Kathleen)
G2-42	U.S. Environmental Protection Agency (Goforth, Kathleen)
G2-43	U.S. Environmental Protection Agency (Goforth, Kathleen)
G2-45	U.S. Environmental Protection Agency (Goforth, Kathleen)
G2-46	U.S. Environmental Protection Agency (Goforth, Kathleen)
G2-47	U.S. Environmental Protection Agency (Goforth, Kathleen)
G2-48	U.S. Environmental Protection Agency (Goforth, Kathleen)
G2-55	U.S. Environmental Protection Agency (Goforth, Kathleen)
G2-56	U.S. Environmental Protection Agency (Goforth, Kathleen)
04-61	Center for Biological Diversity (Keats, Adam)
04-294	Center for Biological Diversity (Keats, Adam)
04-303	Center for Biological Diversity (Keats, Adam)
04-333	Center for Biological Diversity (Keats, Adam)
04-434	Center for Biological Diversity (Keats, Adam)
08-5	Santa Clarita Organization for Planning and the Environment (Lutness, David)
08-18	Santa Clarita Organization for Planning and the Environment (Lutness, David)
08-18A	Santa Clarita Organization for Planning and the Environment (Lutness, David)
08-19	Santa Clarita Organization for Planning and the Environment (Lutness, David)
08-20	Santa Clarita Organization for Planning and the Environment (Lutness, David)
012-1	TriCounty Watchdogs (de Leeuw, Jan)
012-2	TriCounty Watchdogs (de Leeuw, Jan)
012-15	TriCounty Watchdogs (de Leeuw, Jan)
012-27	TriCounty Watchdogs (de Leeuw, Jan)
I18-2	Allavena, Stefano
I73-1	Balbona, Gina
I73-2	Balbona, Gina
I313-1	Conroy, Gerard

Comment	Commenter
I425-5	Duchamp, Mark
I425-6	Duchamp, Mark
I502-2	Forster, Peggy
I502-3	Forster, Peggy
I502-4	Forster, Peggy
I502-5	Forster, Peggy
I502-7	Forster, Peggy
I502-10	Forster, Peggy
I502-13	Forster, Peggy
I-527-1	Fry, Kenneth B.
I-527-3	Fry, Kenneth B.
I625-3	Hamber, Janet A.
I626-11	Hamber, Robert
I626-12	Hamber, Robert
I626-13	Hamber, Robert
I627-1	Hamber, Robert
I627-2	Hamber, Robert
I627-4	Hamber, Robert
I627-5	Hamber, Robert
I627-9	Hamber, Robert
I627-11	Hamber, Robert
I627-12	Hamber, Robert
I627-13	Hamber, Robert
I627-25	Hamber, Robert
I627-27	Hamber, Robert
I627-28	Hamber, Robert
I627-33	Hamber, Robert
I627-39	Hamber, Robert
I904-1	Lopez, Irene
I930-2	MacKay, Linda
I1210-1	Pinard, John W.
I1563-1	Trudell, Heidi
I1567-2	Tuszyński, Jacek
I1686-1	Wyatt, Tynan

10.1 Summary of Substantive Comments

The following summarizes the substantive comments received on the Draft EIS and Draft TU MSHCP related to the TMV Project, EIR, and development-related effects analysis. Table MR10-1 provides a list of the commenters and a reference to the individual comment.

Some commenters asked for more detail regarding the effects related to potential development under the Proposed TU MSHCP Alternative, specifically regarding the TMV Project that was approved by the Kern County Board of Supervisors on October 5, 2009. In particular, various commenters suggested that the Draft EIS should include details about the TMV Project that are available in the TMV Environmental Impact Report (TMV EIR) (Kern County 2009; this citation applies to all further references to the TMV EIR) prepared pursuant to the California Environmental Quality Act (CEQA), which was certified in conjunction with Kern County's October 5, 2009 approval. Other commenters appeared to equate the Draft EIS with the TMV EIR, and imply in their comments that the Service's approval of the TU MSHCP and issuance of an incidental take permit (ITP) would directly authorize the TMV Project and other development on the Covered Lands. Other commenters apply CEQA standards to the EIS, which was prepared in compliance with the National Environmental Policy Act (NEPA). Some commenters stated it is necessary to submit comments on the Draft EIS and TMV EIR simultaneously because they are interdependent.

To address these and similar comments and to clarify the regulatory requirements and consequences of the Services review of the TU MSHCP in this EIS, this master response explains the requirements under NEPA for assessing the secondary or indirect effects of the Federal action, and discusses the approach taken by the Service to address such comments on indirect effects.

The proposed Federal action that is analyzed in the EIS is the approval of the TU MSHCP (forming part of the ITP application) and the issuance of an ITP for the Covered Species, pursuant to Section 10(a)(1)(B) of the Federal Endangered Species Act (ESA). The purpose of the TU MSHCP is to ensure that the effects of the taking on federally listed species are adequately minimized and mitigated to the maximum extent practicable. Accordingly, the scope of analysis of effects in the EIS is focused principally on the direct, indirect, and cumulative effects of the proposed action on affected resources in the human environment, including the Covered Species. The proposed action does not approve or authorize development, but may be viewed as facilitating development as it addresses one of various statutory and regulatory requirements governing the effects of development. In light of the comments received on the Draft EIS, the Service has reviewed and considered the information in the TMV EIR, as detailed below.

The Service recognizes that NEPA encourages agencies to make comprehensive information available to the public and agency officials concerning the potential effects of their actions before decisions are made and before actions are taken. Given the comments received and the Services commitment to ensure that the information provided in the EIS is comprehensive, the agency has considered the information set forth in the TMV EIR. The information contained in the EIR assists the Service in responding to comments and expands the base of information before the decision makers and the public. However, the TMV EIR was prepared at a more project-specific level, based on the approval of specific development plans, pursuant to state law, which has different standards and scope than NEPA as discussed further below. The EIR only addresses the effects of the TMV Project, and does not consider the effects of the other Commercial and Residential Covered Activities or Plan-Wide Activities included as Covered Activities in the TU MSHCP. The Service does not believe that the level of detail in the TMV EIR is appropriate for this EIS, which analyzes the proposed action relative to the TU MSHCP and issuance of an ITP.

10.2 Responses to Substantive Comments

10.2.1 Scope of Agency Action

Section 10 of the ESA provides a statutory mechanism to permit the incidental take of federally listed fish and wildlife species by private parties during lawful activities. Congress intended this process to reduce conflicts between federally listed species and economic development activities, and to provide a framework that would encourage "creative partnerships" between the public and private sectors, as well as state, municipal, and Federal agencies, in the interests of endangered and threatened species and habitat conservation (H.R. Rep. No. 97-835, 97th Congress, Second Session; U.S. Fish and Wildlife Service 1996, Chapter 1, Section A).

As described in Section 1.4.1, Federal Endangered Species Act, in Volume I of this Supplemental Draft EIS and Master Response 8, Regulatory Considerations, pursuant to ESA Section 10(a)(2)(A) and associated regulations, the following requirements must be met for the Service to issue an ITP:

- the taking will be incidental to an otherwise lawful activity,
- the effects will be minimized and mitigated to the maximum extent practicable,
- adequate funding will be provided,
- the taking will not appreciably reduce the likelihood of the survival and recovery of the species,
- the applicant will ensure that any other necessary measures required by the agency are met, and
- the Service has assurances that a habitat conservation plan (HCP) will be implemented.

As stated in the *Habitat Conservation Planning Handbook* (U.S. Fish and Wildlife Service 1996), the "purpose of the habitat conservation planning process and subsequent issuance of incidental take permits is to authorize the incidental take of threatened or endangered species, not to authorize the underlying activities that result in take." Here, the proposed action is approval of the TU MSHCP and issuance of an ITP. Any development that would occur on the Covered Lands would be subject to a separate approval process under the jurisdiction of Kern County, and other local, state and Federal regulatory agencies.

10.2.2 Consideration of Indirect Effects of Project-Specific Effects

10.2.2.1 NEPA Requirements

An EIS must consider the direct, indirect, and cumulative effects of the Federal action (40 Code of Federal Regulations (CFR) 1508.8 and 1502.16). Indirect effects are those that are "caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems" (40 CFR 1508.8(b)). The level of detail in an analysis of indirect effects is driven by the underlying action before the agency. Cumulative effects are effects on the environment which result from the incremental effect of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7). Where, as here, a Federal action would facilitate but not approve a development project, the agency is not required to exhaustively review the effects of the development. A Federal project that enables but

does not approve a specific development project can rely on more generic analysis of the reasonably foreseeable development plans that may result from the Federal action.

The level of analysis in this Supplemental Draft EIS complies with NEPA standards. The proposed Federal action analyzed in the EIS is the approval of the TU MSHCP and issuance of an ITP. The Covered Activities considered in the TU MSHCP, including Commercial and Residential development, have the potential to result in incidental take of the Covered Species; the take that may result incidental to the Covered Activities is what the Service is considering authorizing. Any development proposed as a Covered Activity under the TU MSHCP must ultimately be approved by other agencies, and the effect from such development is an indirect effect of the proposed Federal action. Development in the Covered Lands is under Kern County's jurisdiction and subject to a separate, rigorous environmental review process under CEQA. The level of detail provided in the EIS complies with NEPA and is consistent with case law.

As required, this Supplemental Draft EIS includes a general analysis of the likely direct, indirect, and cumulative effects that could result from the proposed action. This analysis provides agency decision makers and the public with a reasoned comparison of the available alternatives. However, as discussed above, the effects from site-specific development plans correspond to specific development approvals issued by Kern County, which is beyond the scope of analysis of the Federal proposed action. The EIS recognizes that more thorough analysis of potential environmental effects from commercial and residential development would be considered by Kern County, and during that review process, detailed project design features and mitigation measures would be imposed on any development project. This level of analysis enables the agency and the public to consider the alternative courses of action and take a "hard look" at the environmental consequences of the proposed alternatives. Therefore, the level of analysis in the EIS is appropriate under NEPA; the public has been offered the opportunity to comment on potential development and other covered activity effects that could follow from the proposed Federal action and the other alternatives.

10.2.2.2 Level of Information in the EIS

As summarized below, many commenters stated that more detail on specific potential effects associated with the TMV Project should have been included in the Draft EIS. The TMV EIR, which was issued and approved after the Draft EIS was issued, provides details regarding potential site-specific development effects associated with the TMV Project. However, based on the nature of the proposed Federal action, the EIS does not include the type of project details and effect analysis that are included in a CEQA document prepared as part of the development entitlement and approval process. NEPA compliance relative to issuance of ITPs pursuant to the ESA is generally more programmatic in scope compared to a project-specific CEQA compliance document prepared for a specific development based on the nature of the proposed action. CEQA requires the local agency to reach significance conclusions and mitigate the project effects to a less-than-significant level unless the project benefits are affirmatively found to outweigh the environmental effects. NEPA, in contrast, has been found to be an informational and analytical statute, such that once an action is determined to have potential substantial effects on the environment, then an EIS is required. The EIS is intended to provide decision-makers with sufficient information to assess and disclose the potential environmental effects of a proposed action, along with a reasonable range of alternatives, and make an informed selection of the alternative to implement based on the purpose and need of the proposed action (40 CFR 1502.14 [the alternatives section is the "heart of the environmental impact statement"]).

Accordingly, the analysis of potential development effects in the EIS does not precisely align with the discussion in the TMV EIR, nor should it. For example, as discussed below, while both the EIS and the EIR analyze traffic effects associated with the respective actions at issue, these analyses have different scopes (given that the actions analyzed under each—issuance of an ITP for take of federally

listed species versus approval of the proposed development project—are different) and are organized in different manners; the EIS includes all Covered Activities, and the TMV EIR includes a more specific analysis of the TMV Project, including location of roads and intersections, which is only one component of the Commercial and Residential Development Activities included in the TU MSHCP (compare Section 4.8, Transportation, in Volume I of this Supplemental Draft EIS to Section 4.15, Transportation, in the EIR). Similarly, the analysis of public services in the TMV EIR considers a more detailed review of schools, and fire and police stations, and focuses on how the TMV Project would fully offset all potential effects (compare Section 4.7, Community Resources, in Volume I of this Supplemental Draft EIS, with Section 4.13 in the EIR). The TMV EIR also considers certain development-related effects on humans, such as potential effects on the local mineral production economy that are not addressed in the EIS. Likewise, the cumulative effects discussion in this Supplemental Draft EIS focuses on reasonably foreseeable development projects outside the Covered Lands that could result in cumulative effects on Covered Species and associated resources. Because the focus of the EIR is the effects that development of the TMV Project itself could have on the environment, the additional level of detail included in the EIR is appropriate under CEQA, but not required for NEPA.

Nevertheless, this Supplemental Draft EIS has been revised to better incorporate relevant information from that document at a level that is appropriate for the EIS and can be generalized over all the development areas. For example, based on response to comments, the traffic and air analyses have been revised to better incorporate assumptions from the TMV EIR. Similarly, the greenhouse gas (GHG) analysis has been revised to do the same. However, the proposed action at issue considers a general land management scheme with development areas and conservation areas, and the development areas include, and go beyond, the TMV Project; therefore, the revised assumptions (refined by review of the TMV EIR) have been applied more generally in this Supplemental Draft EIS. These revisions are intended to provide decision makers and other stakeholders with the information they need to understand the potential environmental effects of the proposed action and to compare the consequences and tradeoffs between the alternatives.

Finally, this Supplemental Draft EIS recognizes that the TMV Project has been approved and incorporates revised assumptions in Chapter 4, Environmental Consequences. It also recognizes that Kern County's approval of amended general plan designations changes the underlying land use assumptions considered in the Draft EIS alternatives; therefore, the alternatives in this Supplemental Draft EIS have been revised accordingly (Chapter 2, Proposed TU MSHCP and Alternatives, in this Supplemental Draft EIS).

10.2.2.3 Use of Thresholds of Significance and Significance Conclusions

One commenter raised the concept of significance criteria, specifically in the context of the visual resources analysis, stating that because the Draft EIS does not use significance criteria, the commenter is concerned that the EIS underestimates the effect of new development on open space. The commenter goes on to say that for all resource areas, the EIS should clearly state levels of significance and significance conclusions.

Thresholds of significance are an important component of analysis under CEQA. Agencies use identifiable qualitative, quantitative or performance levels for particular environmental effects, and if the effect is determined to exceed that level, the effect is considered significant (14 California Code of Regulations (CCR) 15064.7). Under CEQA, a finding of significance triggers legal obligations; agencies are required by CEQA to adopt all feasible mitigation measures or feasible alternatives for any project for which significant effects are found (California Public Resources Code 21002). If an agency seeks to approve a project with remaining significant effects, it must make findings based on substantial evidence that specific economic, legal, social, technological or other benefits of the project outweigh its unavoidable adverse effects (14 CCR15093).

Under NEPA, significance is defined by the context and intensity of a Federal action on a particular resource element (40 CFR 1508.27). Federal actions that would result (or are likely to result) in substantial effects require detailed analysis using an EIS. The purposes of an EIS are twofold. First, it serves as an analytical tool for agencies to understand and disclose the effects of their actions on the human environment. It also provides the public an opportunity to participate in the decision making process. Unlike CEQA, NEPA does not dictate or require that particular actions or alternatives be adopted. Those decisions rest with the agency and are disclosed in the Record of Decision (ROD). While NEPA requires that an EIS describe any adverse environmental effects that cannot be avoided (42 United States Code [U.S.C.] 4332(C)(ii)), such a disclosure does not impose any additional legal obligations on the agency. NEPA does not require the identification and use of significance thresholds. However, to better substantiate the analysis provided in Chapter 4, Environmental Consequences, this Supplemental Draft EIS has been revised to include specific parameters for each resource area that are used to assess the potential environmental effects of the proposed action and alternatives, and to generally determine if an alternative would result in an unacceptable consequence (e.g., violation of a state or Federal regulatory standard).

10.2.2.4 Approach to Mitigating Indirect Effects

Several commenters questioned the EIS approach to mitigation, stating that it is inappropriate to rely on state and local agencies to sufficiently mitigate the indirect effects of the development that would be facilitated by the TU MSHCP and ITP. These comments question whether reliance on compliance with local, state, and Federal laws and development of site specific measures outside of the framework of the EIS, TU MSHCP, and ITP approval constitutes adequate mitigation with respect to cultural resources, wetlands effects and other effect areas.

These commenters raised another important distinction between CEQA and NEPA. Under CEQA, an agency must find that mitigation measures are feasible, and that they are "enforceable through permit conditions, agreements or other measures to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded" (*Federation of Hillside and Canyon Assns. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252). Mitigation measures that are within the responsibility and jurisdiction of another public agency, and not the agency approving the project, are considered infeasible and cannot mitigate the project's effects to a less-than-significant level (14 CCR 15091(a)(2)). By contrast, under NEPA a Federal agency must identify mitigation measures to address substantial effects; however, the statute does not require the agency to implement them. Further, the Federal agency may rely on the ability of other agencies to enforce legal requirements and to mitigate effects that are not under the control of the Federal lead agency. (See *Robertson v. Methow Valley Citizens Council* [1989] 490 U.S. 332, 352 [approving mitigation discussion where the Federal action—issuance of a permit for ski resort on national forest land—would have off site effects on air quality and mule deer. State and local governments had jurisdiction over these areas and would have jurisdiction to mitigate the effects]).

Consistent with this standard, and as discussed further below with respect to specific resource areas, the EIS discusses mitigation measures for all eight resource areas considered in Chapter 4, Environmental Consequences. In areas where state, local, or other Federal agencies have regulatory authority over a potential indirect effect, the EIS appropriately assumes compliance with laws and regulations enforced by these agencies to mitigate the potential effects that would be facilitated by the TU MSHCP and ITP. Thus, the EIS includes mitigation measures that establish broad principles intended to be in harmony with the specific mitigation measures imposed by Kern County on the TMV Project, or any other development it approves on the Covered Lands. For example, the EIS states that all development would identify and implement structural and treatment best management practices (BMP) to limit effects on surface waters and comply with Federal, state, and local wetlands laws (Section 4.2, Water Resources, in Volume I of this Supplemental Draft EIS).

Visual effects of the potential development would be mitigated through a number of mitigation measures, such as landscaping and design measures that would limit visual effects and maintain the visual character of the site (Section 4.6, Visual Resources, in Volume I of this Supplemental Draft EIS). Traffic effects would be mitigated through development of a construction traffic management plan prior to development and efforts to integrate nonmotorized transportation and transit into the development (Section 4.8, Transportation, in Volume I of this Supplemental Draft EIS). Similarly, the EIS recognizes that Kern County would, in accordance with state law, work with developers to incorporate GHG reductions into development plans, and notes that coordinated development would provide opportunities to limit construction emissions (Section 4.9, Climate Change and Greenhouse Gases, in Volume I of this Supplemental Draft EIS). These mitigation measures do not dictate site-specific standards. The EIS appropriately recognizes that detailed mitigation measures and project design features that would be developed during the development approval process and are, primarily, under the jurisdiction of Kern County. Review of the TMV EIR reveals that the mitigation measures in the EIR support the EIS conclusions regarding measures likely to be required during the local approval processes.

In addition, with respect to the proposed action, Covered Activities within the Covered Lands (including development) would be required to comply with the species-specific conservation measures required under the TU MSHCP (see Tables 2-3 and T-4 in Chapter 2, Proposed TU MSHCP and Alternatives, in Volume I of this Supplemental Draft EIS) that operate also to control land use impacts to other resource areas. For example, the TU MSHCP conservation measures would require that BMPs be implemented to protect surface water quality (pollutants, erosion, dust control, sedimentation) in modeled habitat for the Covered Species, in accordance with Federal Clean Water Act (CWA) and Porter-Cologne Water Quality Control Act requirements and air district requirements. If the Service issues an ITP to Tejon Ranchcorp (TRC) for incidental take of the 27 species covered under the TU MSHCP, these measures would be enforceable under the ESA through the ITP and applicable conservation easements.

10.2.3 Sufficiency of EIS Analysis of Development-Related Effects

The discussion that follows considers comments questioning the adequacy of the analysis of development-related effects in the Draft EIS, as well as the relationship between the information presented in the TU MSHCP EIS and the TMV EIR. The paragraphs that follow describe the approach to the effects analysis used in the EIS and describe, generally, how the EIS considers the analysis provided in the TMV EIR.

As discussed below, the Service's proposed action is considering approval of the TU MSHCP and issuance of an ITP for the take of the Covered Species incidental to otherwise lawful activities. The proposed action does not involve the approval or disapproval of any specific development; rather those approvals fall under the jurisdiction of Kern County. The analysis presented in the EIS adheres to 40 CFR 1502.16 a-h relative to the proposed action. Thus, although the TMV EIR was used to supplement the setting and data information for this Supplemental Draft EIS, the EIR analysis does not substitute for the EIS analysis. In addition, the TMV EIR supports the Service's conclusions regarding mitigation measures that would be imposed during the commercial and residential development approval process, as referenced in the effects analysis in Chapter 4, Environmental Consequences, of this Supplemental Draft EIS. The discussion below summarizes many of the TMV EIR mitigation measures, all of which are included as Appendix J, TMV Specific and Community Plan Mitigation Monitoring and Reporting Program, to this Supplemental Draft EIS for reference.

10.2.3.1 Biological Resources

Many commenters raised issues related to the effect of the TMV Project on biological resources. Commenters stated that development of the TMV Project would adversely affect species on the Covered Lands, including the California condor, by destroying or reducing habitat, introducing bulldozers, diesel emissions and construction noise, domestic pets, and new light sources into habitat, and creating edge effects and fire risks in preserved areas. Some commenters stated that the TMV Project is inconsistent with recovery of the condor, or stated that the TMV Project would be "plopped" into or invade species habitat. Other commenters were opposed to the urbanization of wildlife habitat. Comments relating to effects on biological resources, including vegetation communities, species, and wildlife connectivity, are discussed below.

Vegetation Communities

Some commenters stated that the EIS should clarify the extent of vegetation disturbance and effects on vegetation communities that could result from the TMV Project and development covered by the TU MSHCP.

The EIS recognizes that Commercial and Residential Development Activities would result in permanent and temporary effects on vegetation communities from grading, increased human presence and more urban-type uses, and provides a breakdown of the vegetation communities potentially affected under each alternative, including the Proposed TU MSHCP Alternative (Section 4.1, Biological Resources, in Volume I of this Supplemental Draft EIS). Although these effects were independently analyzed by the Service, the analysis in the TMV EIR informed this Supplemental Draft EIS. Specifically, in its revised assumptions and calculations, this Supplemental Draft EIS uses the Development Envelope (i.e., 8,817 acres for the Proposed TU MSHCP Alternative) identified in the TMV EIR for the TMV Project to analyze effects on vegetation communities. As described in Section 4.1.1.2, Methods, in the subsection entitled Analytical Framework for Biological Effects, in Volume I of this Supplemental Draft EIS, the biological resources section uses this conservative Development Envelope to account for ground disturbance, since the exact location of Commercial and Residential Development Activities are not known. This Supplemental Draft EIS also provides more detail regarding the assumptions and vegetation mapping approach used to complete the analysis (Appendix D, Habitat Suitability Criteria Methods, in this Supplemental Draft EIS), which was derived in part from the TMV EIR.

With respect to the TMV EIR analysis, although the EIR recognizes the potential for the TMV Project to result in short- and long-term effects on these sensitive communities, it includes a variety of mitigation measures to reduce such effects, including commitments to reduce potential effects during the construction period; development of various plans that would reduce development-related effects, such as an integrated pest management plan (IPMP) and golf course maintenance plan; development of a grazing management plan to manage grazing activities; education commitments; implementation of a variety of measures to mitigate for effects on unvegetated streambeds and riparian habitats and wetlands, including creation of comparable habitat; commitments to avoid and minimize effects on riparian habitats through Special Management Areas as well as commitments to avoid, preserve, and replace oak tree habitat and oak trees (Kern County 2009, MM 4.4-47 to 4.4-56). The TMV Project would also be required to apply for permits from other agencies, including the U.S. Army Corps of Engineers (USACE), the California Department of Fish and Game (CDFG), and the Regional Water Quality Control Board (RWQCB), before any jurisdictional wetlands could be filled, which would likely result in permit conditions to further address effects on wetlands and associated riparian vegetation. With implementation of these mitigation measures, the TMV EIR found that effects on sensitive vegetation communities would be mitigated to less than significant.

California Condors

Commenters raised concerns regarding the potential effects on California condors due to development of the TMV Project. Similar to vegetation communities, the potential effects of the Covered Activities on California condors from the development under the Proposed TU MSHCP Alternative, including the TMV Project, have been independently analyzed by the Service and are described in Section 4.1, Biological Resources, in Volume I of this Supplemental Draft EIS. As discussed in that section, the Federal and state definition of take are different. The TMV EIR supports this conclusion, explaining that no take of the California condor (as defined by the California Fish and Game Code) would result from the TMV Project; however, because of the possibility of habituation to humans, ESA coverage for nonlethal Federal take may be required for the project (this underlies the need for the TU MSHCP and environmental review using an EIS). In addition, the mitigation measures considered in the EIR were based on the Tejon Ranch California Condor Conservation and Management Plan (Condor Plan) (Bloom 2008), which was also the basis of the mitigation program in the TU MSHCP.

Other Covered and Special-Status Species

Commenters stated that the EIS should better identify potential effects on special-status species. Similar to all biological resources, the potential effects of the Covered Activities, including the TMV Project, have been independently analyzed by the Service and disclosed in Section 4.1, Biological Resources, in Volume I of this Supplemental Draft EIS. Commercial and Residential Development Activities would result in permanent and temporary effects on species habitat from grading, increased human presence and more urban-type uses. This Supplemental Draft EIS clarifies in Section 4.1.1.2, Methods, in the subsection entitled Analytical Framework for Biological Effects, that the biological resources section uses a conservative Development Envelope to account for ground disturbance, since the exact location of all of the Commercial and Residential Development Activities in the TMV Planning Area (including Oso Canyon and West of Freeway) are not known.

With respect to the TMV EIR analysis, the TMV Project species mitigation program in the EIR appears to have been adapted from Section 7, Conservation Plan for Other Covered Species, in the Draft TU MSHCP, and incorporates additional site-specific measures, such as Special Management Areas requiring either avoidance or minimization measures to reduce or avoid effects on species (Kern County 2009, MMMP, pp. 4.4-9 to 4.4-46, pp. 41-73)]. Considering the implementation of the mitigation described in the Draft TU MSHCP, Kern County found that all effects on special-status species would be less than significant (Kern County 2009, Findings of Fact, pp. 30 to 63). This finding is consistent with the analysis in this Supplemental Draft EIS.

Wildlife Linkages

Commenters stated that the TMV Project would remove important wildlife linkages. As noted above, while the TU MSHCP is broader than just the TMV Project, this Supplemental Draft EIS was revised to use the identified TMV Project Development Envelope for more specific analysis of the potential effects of the Covered Activities on wildlife connectivity. This Supplemental Draft EIS was also updated to include the results of the least-cost corridor analysis (which determines the safest movement routes for a species), which was derived from the TMV EIR (Kern County 2009).

The TMV EIR found that a low level of development-related effects on wildlife movement could occur; however, the TMV Project would avoid a large contiguous wildlife linkage to the north and east of the area that encompasses the substantial majority of the land in the western Tehachapi landscape (Kern County 2009, p. 4.4-431). The TMV Project open space areas, which comprise approximately 81% of the Covered Lands, would be integrated with and support this linkage (Kern County 2009, p. 4.4-431). Wildlife linkage functions would also be maintained in the portions of the

project's Development Envelope with very low levels of density, and would be expected to persist in the portions of the Development Envelope with relatively more development (Kern County 2009, p. 4.4-431). The EIR recognized the substantial effect the Ranchwide Agreement would have on preserving wildlife linkages throughout the ranch (Kern County 2009, p. 4.4-433). The regional wildlife linkage would connect directly with the most heavily used Interstate 5 (I-5) undercrossings identified, and maintain existing movement at these locations. Kern County concluded that the TMV Project would not significantly affect movement of native resident or migratory species in the western Tehachapi landscape (Kern County 2009, Findings of Fact, pp. 71–72). These conclusions are generally consistent with the effects analysis provided in Section 4.1, Biological Resources, in Volume I of this Supplemental Draft EIS. For the Supplemental Draft EIS, however, additional analysis was conducted to confirm connectivity for all the Covered Species, further supporting the conclusions.

10.2.3.2 Water Resources

Comments regarding water resources related to the disclosure of effects on water quality, groundwater levels and surface water flows, and jurisdictional wetlands and riparian areas resulting from the TMV Project and other development activities are described below.

Water Quality

One commenter stated that the EIS included insufficient detail to understand the effects of the TMV Project on surface and groundwater quality.

As noted above, the Service is not approving the TMV Project; however, because approving the TU MSHCP and issuing an ITP would facilitate development, under the Proposed TU MSHCP Alternative, the EIS recognizes the potential for water quality effects from development, and analyzes potential effects on water quality, surface water flow and groundwater recharge, and wetlands as a result of the Covered Activities (Section 4.2, Water Resources, in Volume I of this Supplemental Draft EIS). As discussed above, the EIS provides analysis of potential direct, indirect and cumulative effects of the proposed action of issuance of an ITP, based on the TU MSHCP, using acreage of disturbance and type of development. A detailed analysis of specific development plans in the Covered Lands would be conducted by the County when they become available, and as requested by a project proponent, in compliance with CEQA.

Review of the TMV EIR provides additional support for the environmental setting discussion in this Supplemental Draft EIS. Specifically, Section 4.2, Water Resources, in Volume I of this Supplemental Draft EIS states that the beneficial uses of water bodies on the Covered Lands would not be affected by the Proposed TU MSHCP Alternative. These conclusions are consistent with the findings in the TMV EIR (Kern County 2009, pp. 4.8-23 to -50), as well as the Central Valley RWQCB permits issued for the TMV Project (Central Valley RWQCB Waste Discharge Requirements, Order No. R5-2011-0018, April 29, 2011; Central Valley RWQCB 401 Certification, January 14, 2010). The inclusion of specific water quality mitigation measures in the EIR supports the conclusion in the EIS that individual project-level compliance with the Federal, state, and local water quality protection requirements and permitting schemes would reduce the development-related water quality and cumulative effects of the Proposed TU MSHCP Alternative on water resources (Section 4.2, Water Resources, in Volume I of this Supplemental Draft EIS). Specifically, the EIR incorporates extensive mitigation measures to reduce the potential water quality effects of the TMV Project during construction and operations, including compliance with the state Construction General Permit including erosion and sediment control during construction; construction worker training and ongoing monitoring and inspections; regular inspection of treatment control systems; control of potential pollutant source areas such as loading docks and parking areas; regular litter control; development of educational materials related to water quality; development of a landscape

management plan to implement integrated pest management to limit pesticide use; equestrian and golf course management standards; use of bioretention areas, other treatment controls and ongoing adaptive management; prohibitions on recreation in Castac Lake; and concentrated development to reduce the amount of new impervious surfaces (Kern County 2009, MM 4.8-1 to 4.8-47). Kern County found that, with the mitigation provided in the TMV EIR, effects on water quality would be less than significant (Kern County 2009, Findings of Fact, pp. 108–116).

Additionally, the EIR indicated that to reduce potential water supply effects, the TMV Project would use recycled water. To address potential water quality effects from water recycling, the EIR also included a detailed analysis regarding potential effects on groundwater and onsite water as a result of biosolids and recycled water from the onsite wastewater reclamation facility (Kern County 2009, pp. 4.8-59 to -60 [MM 4.8-44; MM 4.8-45] and 4.16-21 [MM 4.14-6]). With the application of these mitigation measures, the EIR concluded that all potential effects on surface and groundwater from recycled water use would be less than significant (Kern County 2009, p. 4.8-60). The use of water recycling and associated mitigation to avoid effects on water quality are both additional project-specific measures that would reduce the effects from development-related Covered Activities.

Finally, as described in Section 10.2.2.4, Approach to Mitigating Indirect Effects, above, the Covered Activities would comply with the species-specific conservation measures required under the TU MSHCP (see Tables 2-3 and 2-4 in Chapter 2, Proposed TU MSHCP and Alternatives, in Volume I of this Supplemental Draft EIS), some of which would also operate to protect water quality (e.g., incorporating design features to avoid and minimize urban runoff into habitat areas and using erosion control measures during construction). If the Service issues an ITP to TRC for incidental take of the 27 species covered under the TU MSHCP, these measures would be enforceable under the ESA through the ITP and applicable conservation easements.

Surface Water Flow and Groundwater Recharge

Commenters stated that the EIS contains insufficient information regarding groundwater supplies and fails to sufficiently analyze the effects of the TMV Project on groundwater recharge and surface drainage flows. Other commenters stated the Draft EIS does not address Castac Lake, including the effects of continually drawing groundwater from the Castac basin, which the commenter stated is done to maintain an artificial elevation for aesthetic reasons for the TMV Project.

Again, the Service is not approving the TMV Project or any other residential and commercial development. This Supplemental Draft EIS analyzes the direct, indirect, and cumulative effects of the proposed action—issuance of an ITP—which would facilitate development. Thus, the Services' analytical approach is programmatic, and provides an appropriate level of analysis of effects on surface water flows and groundwater recharge, using acreage of ground disturbance and type of development, to provide a reliable and consistent basis for the alternatives analysis.

With respect to groundwater, TRC's existing groundwater use is discussed in Section 3.2.3.1, Land Uses Affecting Water Quality in the Study Area, in Volume I of this Supplemental Draft EIS. Specifically, the Supplemental Draft EIS provides a revised description of groundwater uses in the Covered Lands, which have historically included water supply for the ranch headquarters complex; irrigation of pasture, landscaping, and agricultural uses (e.g., vineyards, apple orchards); irrigation of Tejon sports fields, El Tejon School grounds and facilities, and firefighting purposes; and maintenance of Castac Lake. No operating wells or significant groundwater extraction activity occurs in other portions of the Covered Lands.

The EIS considers that the pumping of groundwater can degrade water quality (Section 4.2, Water Resources, in Volume I of this Supplemental Draft EIS). However, as discussed in this section, periodic water quality tests on the southeast draining streams on the Covered Lands (including Grapevine Creek, to which Castac Lake flows) have not identified any constituents of concern that

have required any water quality-based restrictions on current uses of creek water on Tejon Ranch. Additionally, the Central Valley RWQCB has not found any impairment of the beneficial uses of water bodies on the Covered Lands, established total maximum daily loads, or required water quality corrections. These conclusions are supported by the Central Valley RWQCB permits issued for the TMV Project (Kern County 2009, 4.8-23 to -63; Central Valley RWQCB Waste Discharge Requirements, Order No. R5-2011-0018, April 29, 2011; Central Valley RWQCB 401 Certification, January 14, 2010).

Further, with respect to potential effects on groundwater recharge, Plan-Wide Activities proposed under the TU MSHCP would be restricted by the Ranchwide Agreement, which provides additional protection to the Covered Species, their habitat, and in effect, water resources as well. In particular, groundwater use by ongoing Plan-Wide Activities in the Ranchwide Agreement conservation easement lands, which lands include the TU MSHCP Mitigation Lands, would be restricted by the requirement that no new groundwater extraction that would cause significant groundwater-related adverse effect on conservation values be permitted. This has been clarified in this Supplemental Draft EIS description of Plan-Wide Activities.

Additionally, groundwater use in support of the Commercial and Residential Development Activities under the Proposed TU MSHCP Alternative would be restricted by state and local requirements. For example, California law, Water Code Section 10910 *et seq.* requires that development over 500 units or its equivalent (or an increase in 10% in the number of existing service connections), be supported by a water supply assessment that shows there is existing sufficient water supply to accommodate the development. If groundwater is proposed to be used, the sufficiency of that source must be shown. In addition, under CEQA, all projects must analyze effects on groundwater recharge and mitigate for those effects. Thus, as discussed in Section 4.2, Water Resources, in Volume I of this Supplemental Draft EIS, the proposed Federal action's contribution to any cumulative effects on the groundwater basin is anticipated to be minor. With respect to the TMV Project, review of the TMV EIR shows that the TMV Project would not use groundwater as a water supply (Kern County 2009, p. 4.16-11), but would instead use water from the Tejon Castac Water District (TCWD). As described in Section 10.4.7.2, Public Services, below, three sources of water supply would be used for the TMV development:

- tertiary-treated recycled water produced by the TMV wastewater treatment plant,
- water recovered from TCWD water banking facilities in the Kern Water Bank and Pioneer project, and
- State Water Project deliveries, assuming average, dry and multiple dry year deliveries would occur at the lowest levels identified in the current State Water Project reliability report (Kern County 2009, p. 4.16-12).

Future use of groundwater that affects the same basin is not known, and the cumulative effects from other projects are considered in Section 4.2, Water Resources, in Volume I of this Supplemental Draft EIS.

With respect to Castac Lake, the figures in this Supplemental Draft EIS have been revised to clearly label the lake (e.g., Figure 2-2). Section 3.2, Water Resources, in Volume I of this Supplemental Draft EIS describes Castac Lake, its location, and the fact that TRC maintains the lake elevation through use of groundwater as necessary to augment surface flows from the surrounding watershed. Management of Castac Lake is ongoing and is part of the existing environmental conditions considered in this Supplemental Draft EIS. The lake has been managed by TRC since 2001. Castac Lake, as managed, is habitat for many Covered Species, and the diversity of species that use Castac Lake is expected to be maintained. The EIS finds that the following Covered Species are likely to utilize Castac Lake and/or its fringes: bald eagle, American peregrine falcon, white-tailed kite, purple martin, least Bell's vireo, the little and southwestern willow flycatcher, western yellow-billed

cuckoo, tricolored blackbird, and yellow warbler (Section 3.1, Biological Resources, in Volume I of this Supplemental Draft EIS). Historical groundwater use is not expected to increase under the TU MSHCP, and, as found in the EIS, the Castac Lake Valley Basin has not been documented to be depleted, in overdraft, or suffering from adverse water quality. Further, no adverse effects on species from use of Castac Lake under the Proposed TU MSHCP is anticipated (Section 4.1, Biological Resources, in Volume I of this Supplemental Draft EIS), as supported by the analysis in the TMV EIR (Kern County 2009, pp. 7-662 to -663). Indeed, an additional requirement to protect wildlife use was added by Kern County, which would prevent TMV Project residents from using the lake for recreation (Kern County 2009, MMMP, MM 4.8-31, p. 203).

With respect to flooding risks, which could be an indirect effects related to development, Section 3.2, Water Resources, in Volume I of this Supplemental Draft EIS states that Castac lake is managed such that there is excess flood capacity. Specifically, TRC has maintained the lake elevation at 3,503 feet above mean sea level (amsl) since 2002 by recharging the lake with groundwater, as necessary. Flooding at Castac Lake is not anticipated; it is noted that the TMV Project Approvals required that the excess flood capacity be maintained, and found no flooding risk (Kern County 2009, Findings of Fact, pp. 118-121).

Section 4.2, Water Resources, in Volume I of this Supplemental Draft EIS analyzes changes to surface flows and groundwater recharge. Additionally, the TMV EIR provided an in-depth, detailed analysis of hydrologic areas of concern both pre- and post-mitigation for the TMV Project (Kern County 2009, Appendix I-1 and I-2). Kern County concluded that with these mitigation measures (Kern County 2009, MMMP, MM 4.8-39 to 4.8-40, pp. 209-210) effects on existing drainage patterns and the volume of water available for groundwater recharge would be less than significant (Kern County 2009, Findings of Fact, 116-118). This Supplemental Draft EIS cites additional technical information presented in the water quality and hydromodification report and drainage study for the TMV EIR. Thus, the TMV EIR provides additional analytical support for the EIS conclusion that the potential effects from development on groundwater recharge, surface water flow and volume (including flooding) would not be significant (Section 4.2, Water Resources, in Volume I of this Supplemental Draft EIS). The inclusion of specific water quality mitigation measures in the TMV EIR as well as issuance of permits from the Central Valley RWQCB also support the EIS conclusion that individual project-level compliance with the Federal, state, and local water quality protection requirements and permitting schemes would reduce development-related water quality and quantity effects to minor levels (Kern County 2009, Findings of Fact, pp. 108-124).

Wetlands

Several commenters stated that the Draft EIS does not contain sufficient detail on the effects of the TMV Project (or development more generally) on jurisdictional waters and the species using wetlands and riparian areas, and that the EIS should include more information on efforts to avoid, minimize, and mitigate effects.

As noted above, the Service is not approving the TMV Project or any other residential and commercial development. Detailed development plans, including exact grading locations, for the Commercial and Residential Development Activities proposed under the TU MSHCP do not currently exist, and additional, project-specific analysis of potential effects on wetlands suggested by commenters is beyond the scope of the Service's proposed action. Nevertheless, the EIS provides analysis of potential effects on wetlands that could flow from approving the TU MSHCP and issuing the ITP, using ground disturbance acreage as a basis for comparison. This analytical approach, in combination with measures acknowledging Federal and state compliance laws that prohibit development projects from resulting in a net loss of wetland habitat, form a reliable and consistent basis for the analysis provided in Section 4.2, Water Resources, in Volume I of this Supplemental Draft EIS.

The TMV EIR includes detailed information regarding wetlands delineated in the TMV Project site, as well as detailed information on measures to avoid, minimize and mitigate effects on wetlands. Specifically, the EIR included a jurisdictional wetland delineation of the TMV Planning Area, which identified a total of 103.1 acres of federally regulated wetlands and 318.8 acres of potentially state-regulated nonvegetated streambed and riparian areas (Kern County 2009, Appendix J to the EIR). Section 3.2, Water Resources, in Volume I of this Supplemental Draft EIS has been updated to include this information. While the TMV EIR presented a project-specific analysis with a different proposed action (approval of the TMV Project), this Supplemental Draft EIS addresses a larger area and additional Covered Activities (based on the TU MSHCP) and provides a programmatic analysis of the effects of those activities, including mitigation measures that are geared to be implemented by TRC and the agencies with jurisdictional approval over development. For all alternatives, the EIS analyzes a conservative scenario where 25% of the wetlands in the Development Envelope would be affected. As mitigation, the EIS assumes that Commercial and Residential Development Activities comply with applicable Federal, state and local biological resource protection measures, including those for protection of wetlands and riparian areas.

Review of the TMV EIR demonstrates the type of extensive mitigation that would be imposed during the local approval process to minimize effects on wetlands. Specifically, the EIR requires implementation of a variety of measures to mitigate for effects on unvegetated streambeds, riparian habitat, and wetlands, including creation of comparable habitat and commitments to avoid and minimize effects on riparian habitats through Special Management Areas (Kern County 2009, MMMP, MM 4.4-23, p. 53), as well as commitments to avoid, preserve and replace oak tree habitat and oak trees (Kern County 2009, MMMP, MM 4.4-8 to 4.4-31; MM 4.4-47 to 4.4-56, pp. 40-59, 74-85). Under the EIR, the TMV Project would also be required to apply for permits from other agencies, including the Service, USACE, CDFG, and the Central Valley RWQCB, before any jurisdictional wetlands could be filled. The Central Valley RWQCB permits have been obtained for the TMV Project and, as expected, include conditions that limit effects on protected habitats (i.e., no Federal jurisdictional wetlands may be affected and 1.18 acres of state jurisdictional wetlands/riparian areas may be affected; mitigation at 2:1 is required to meet the *no net loss of wetlands* policy; Central Valley RWQCB Waste Discharge Requirements, Order No. R5-2011-0018, April 29, 2011, p. 6). Thus, review of the TMV EIR and TMV Project permits supports the EIS conclusion that potential effects on wetlands from Commercial and Residential Development Activities under the Proposed TU MSHCP Alternative would be reduced and would be minor as a result of proposed mitigation measures.

Finally, as described in Section 10.2.2.4, Approach to Mitigating Indirect Effects, above, the Covered Activities would comply with the species-specific conservation measures required under the TU MSHCP (see Tables 2-3 and 2-4 in Chapter 2, Proposed TU MSHCP and Alternatives, in Volume I of this Supplemental Draft EIS), some of which would operate to protect wetlands (e.g., avoiding construction in modeled habitat in riparian/wetlands areas to the extent practicable). If the Service issues an ITP to TRC for incidental take of the 27 species covered under the TU MSHCP, these measures would be enforceable under the ESA through the ITP and applicable conservation easements.

10.2.3.3 Air Quality

Commenters stated generally that the TMV Project and other development would have adverse air quality effects. One commenter identified differences in the air quality analysis in the TMV EIR and the EIS, and questioned this discrepancy. Other commenters raised specific concerns about potential adverse health effects stemming from air pollution, and that area residents would be exposed to public health risks.

Air Emissions

Commenters stated there is inadequate information regarding construction emissions and requested additional information on specific measures to reduce air emissions during construction of the TMV Project and other development. Commenters also stated that there should be more specific air quality analysis in the EIS, including more analysis of the cumulative air quality effects of the TMV Project and other development projects and that specific mitigation measures should be described for the TMV Project. Commenters stated that the indirect air quality effects of the proposed action (resulting from the TMV Project and other development projects facilitated by the proposed action) are not adequately described and are not consistent with information in the TMV EIR. Other commenters suggested air quality mitigation measures applicable to a land use project, such as the TMV Project.

A detailed analysis of specific development plans that would be facilitated by the proposed action is not possible. For example exact construction schedules and equipment and traffic routes are unknown at this time. The modeling assumptions used for the analysis presented in the Draft EIS were different from those used in the TMV Project EIR. Revisions to the model have been made to use assumptions consistent with those presented in the TMV Project EIR. As indicated in the revised Section 4.3, Air Quality, in Volume I of this Supplemental Draft EIS, a new model, the CalEEMod, which is the most current emission calculation model, was used to calculate air emissions.

The mitigation measures set forth in the EIS have also been revised to clarify that the alternatives will be required to comply with applicable Federal, state, and local regulations related to air quality emissions. Generally, air quality protection laws under the Federal and state Clean Air Acts, and most Federal air quality regulations adopted by the U.S. Environmental Protection Agency (EPA), are implemented at the state and local levels through adoption of air quality management plans and rules and regulations, which are then applied through local discretionary permitting processes. As indicated in the revisions to Section 4.3, Air Quality, in Volume I of this Supplemental Draft EIS, mitigation for air quality effects would be implemented through local project approvals. For example, Kern County's approval of the TMV Project includes requirements to implement various mitigation measures to protect air quality. In particular, the applicant must submit evidence, verified by the San Joaquin Air Pollution Control District (SJVAPCD), that development has a total project construction and operations mitigated baseline below 2 tons per year for nitrogen oxides (NO_x) and a mitigated baseline below 2 tons per year for particulate matter less than 10 micron in diameter (PM₁₀) emissions in the San Joaquin Valley Air Basin. Reductions can be achieved through several measures, including design features and compliance with a developer-mitigation or other voluntary contracts (Kern County 2009, MMMP, pp. 6). The applicant must also submit a dust control plan that must be followed during construction (Kern County 2009, MMMP, pp. 7-8). To further reduce air emissions, TRC committed to reduce energy use by 25% compared to 2008 Title 24 standards, to reduce construction materials waste, and to use alternative fuel technologies and provide bicycle parking and carpooling facilities (Kern County 2009, MMMP, pp. 12-26). While the EIR provides more detail about potential air quality effects resulting from operations of the TMV Project (Kern County 2009, pp. 4.3-78 to -214), it does not contradict conclusions in the EIS regarding the type or magnitude of these effects.

Finally, as described in Section 10.2.2.4, Approach to Mitigating Indirect Effects, above, the Covered Activities would comply with the species-specific conservation measures required under the TU MSHCP (see Tables 2-3 and 2-4 in Chapter 2, Proposed TU MSHCP and Alternatives, in Volume I of this Supplemental Draft EIS), some of which would operate to reduce air quality impacts (e.g., implementing dust control measures). If the Service issues an ITP to TRC for incidental take of the 27 species covered under the TU MSHCP, these measures would be enforceable under the ESA through the ITP and applicable conservation easements.

For additional information about the analysis of air quality, see Master Response 16, Air Quality.

Health Effects

One commenter specifically raised the issue of public health effects related to the TMV Project, and the potential for development to create a "diesel death zone" in the Tejon Ranch area. Another commenter suggested mitigation for air emissions near sensitive receptors.

This Supplemental Draft EIS was revised to include additional discussion of public health effects from toxic air contaminants (TACs) as well as a screening level analysis of diesel particulate matter emitted from offroad mobile equipment during construction (Section 4.3.3.3, Exposure of Sensitive Receptors to Substantial Pollutant Concentrations, in this Supplemental Draft EIS for a discussion related to the Proposed TU MSHCP Alternative). Health effects from TACs associated with construction activities are not anticipated to result in substantial effects individually or cumulatively.

10.2.3.4 Geology and Soils

One commenter stated that planning for the TMV Project and other development must more broadly and holistically consider the public safety implications of development.

Section 4.4, Geology and Soils, in Volume I of this Supplemental Draft EIS includes an analysis of seismic and other soil and geology risks to public safety. Specifically, the EIS recognizes potential risk from secondary fault ruptures, and that development could expose people to seismic hazards or risk of ground failure, including compressible, collapsible, or expansive soils, and landslides. The EIS includes mitigation measures requiring compliance with Federal, state, and local regulations that provide specific oversight of these risks, and would prohibit development in active fault zones and lifeline measures for utilities that cross fault zones; require appropriate erosion control during and after construction; require compliance with County requirements for geologic studies at the appropriate planning stage; and require compliance with California Building Codes.

Finally, as described in Section 10.2.2.4, Approach to Mitigating Indirect Effects, above, the Covered Activities would comply with the species-specific conservation measures required under the TU MSHCP (see Tables 2-3 and 2-4 in Chapter 2, Proposed TU MSHCP and Alternatives, in Volume I of this Supplemental Draft EIS), some of which would operate to control risks from exposure of people and structures to geologic risks (e.g., allowing only low-density development, incorporating design features to avoid and minimize urban runoff, and using erosion control measures during construction). If the Service issues an ITP to TRC for incidental take of the 27 species covered under the TU MSHCP, these measures would be enforceable under the ESA through the ITP and applicable conservation easements.

While this general analysis of seismic and geologic risks is appropriate for the EIS, the TMV EIR provides additional detailed results of geotechnical analysis and fault rupture analysis relevant to the TMV Project (Kern County 2009, pp. 4.6-24 to -30). Consistent with the EIS, the EIR recognizes the seismic risks in the area, and acknowledges that development could result in exposure to seismic and geologic hazards. The EIR describes potential effects from primary and secondary fault ruptures on structures, roadways, transmission lines, and emergency services (Kern County 2009, pp. 4.6-23 to -29). The EIR also analyzes potential risks from exposing people or structures to landslides; soil erosion or loss of topsoil; location on an unstable geologic unit or soil that could result in on- or offsite landslides; lateral spreading, subsidence, liquefaction, or collapse; and location on expansive soils that creates substantial risks to life or property (Kern County 2009, pp. 4.6-32 to -42).

The EIR demonstrates that the TMV Project includes the implementation of a variety of mitigation measures to reduce additional seismic, soils and geologic risks. For example, various geotechnical studies must be prepared prior to development, buffer zones are required around faults and critical facilities, additional measures to safeguard critical facilities would be incorporated into the design, various emergency shutoff and bypass devices would be included in the project, and seismic criteria from the California Building Code would be followed (Kern County 2009, pp. 4.6-26 to 29 [MM 4.6-1 to 5.6-17], 4.6-30 [MM 4.6-18]). In addition, no habitable structures would be placed in active fault buffer zones surrounding active traces of the Garlock Fault Zone, and no emergency egress route would cross a fault (Kern County 2009, p. 4.6-24). Finally, the EIR requires implementation of various grading and construction approaches to minimize risks associated with landslides and other soil failures, implementation of a stormwater pollution prevention plan, formulation of a long-term maintenance plan to address post-construction issues typically encountered in hillside development, and compliance with the sewer and septic system requirements of the TMV Specific Plan (Kern County 2009, pp. 4.6-31 to 32 [MM 4.6-19], 4.6-33 to 38 [MM 4.6-20 to 26], 4.6-42 [MM 4.6-27]). With implementation of mitigation, the EIR concludes that all seismic, soils and geologic risks would be less than significant.

Thus, the EIR supports the EIS conclusions regarding the type of seismic-related mitigation to be imposed during the local approval process. Finally, consistent with commenter's concern, the EIS recognizes that the integrated planning opportunity provided for in the Proposed TU MSHCP Alternative would permit holistic planning and mitigation, such as detailed geologic studies, engineering of structures for seismic ground shaking, avoidance of potential fault rupture, and design of lifelines to minimize damage from fault rupture.

10.2.3.5 Cultural Resources

Commenters stated that the Draft EIS does not adequately identify and provide protection for cultural resources that are in the Covered Lands and that could be effected by development, and that further analysis must be provided before development could be approved. Commenters also stated that the EIS cannot properly rely on the local planning review process or the TMV EIR for identification of effects on cultural resources.

Section 3.5, Cultural Resources, in Volume I of this Supplemental Draft EIS has been updated to include additional information for cultural resource surveys that have been completed within the Covered Lands. In addition, this section has been updated within the latest information about the status of consultation ongoing with the State Historic Preservation Officer (SHPO).

Section 4.5, Cultural Resources, in Volume I of this Supplemental Draft EIS has also been updated. As clarified in this section, the analysis of effects is based on the acreage of ground disturbance associated with Commercial and Residential Development Activities under each alternative. Because the exact location of Commercial and Residential Development Activities are not known for all development areas, ground disturbance is the appropriate comparative proxy for effects. In compliance with Section 106 of the National Historic Preservation Act, the Service is in consultation with the SHPO to verify the potential effects of the Federal action on cultural resources associated with the proposed action.

In addition, as discussed in Section 4.5, Cultural Resources, in Volume I of this Supplemental Draft, mitigation will include a requirement that all cultural resources in and adjacent to Development Areas as identified in the Cultural Resources Survey Reports determined eligible for the NRHP will be avoided/protected in place, or if necessary, mitigated through data retrieval, all in consultation with a qualified archaeologist and SHPO as necessary. A copy of the Cultural Resources Survey Reports for the Development Areas are appended to the project EIR (Kern County 2009).

Furthermore, Section 4.5, Cultural Resources, in Volume I of this Supplemental Draft EIS has also been updated to clarify that the local development review process would also require mitigation to address potential effects on cultural resources. For example, as evidenced by Kern County's approval of the TMV Project, the applicant is required identify site-specific potential effects and develop site-specific mitigation measures for individual development projects. Kern County's approval of the TMV Project further requires general and site-specific mitigation measures to ensure effects on cultural, historical and paleontological resources are less than significant. Mitigation measures require comprehensive and confidential mapping of on-site cultural resources; "tailgate" sessions and other training for contractors; and site-specific mitigation that involves, for example, establishing buffers around known sites during construction activities, requiring the presence of onsite Native American monitors, passive preservation of sites in deed-restricted open space, or preservation under geotextile matting and fill (Kern County 2009, pp. 4.5-28 to -34 [MM 4.5-1 through 4.5-37]). All identified sites would be preserved in place, (although one may either be preserved in place or subject to Phase III data recovery). The TMV EIR mitigation measures require that an onsite paleontological monitor be present during excavations in high-sensitivity areas, that excavation work be stopped and the area of potential resources avoided so that the monitor can assess, excavate and salvage any resources, that appropriate data recovery is undertaken, and that any recovered fossils be offered for curation (Kern County 2009, pp. 4.5-35 to -47 [MM 4.5-38 to 4.5-41]). Finally, the EIR establishes procedures consistent with the California Health and Safety Code and Public Resources Code that must be followed in the event potential human remains are discovered on the TMV Project site (Kern County 2009, pp. 4.5-37 to -39 [MM 4.5-42]). With mitigation, the EIR concludes that potential effects on cultural resources would be reduced to less-than-significant levels. For additional information about cultural resources, please see Master Response 14, Cultural Resources.

10.2.3.6 Visual Resources

Commenters raised various concerns regarding the visual and aesthetic effects of the TMV Project and other development, including a concern that the criteria by which effects were judged was not clear. A commenter expressed concern that the TMV Project would not be consistent with the existing rural character of the area. Other comments stated that the TMV Project would result in night lighting and adverse effects on scenic vistas, and that effects on open space areas may have been underestimated. Because comments on the TMV Project are outside the scope of this EIS, to the extent applicable, the following responses interpret these comments to apply to the Commercial and Residential Development Activities overall that would be facilitated by the proposed action.

Visual effects of the proposed action are discussed in Section 4.6, Visual Resources, in Volume I of this Supplemental Draft EIS, and include potential effects under the following categories: alteration of visual character (including changes in landform, topography, and vegetation), and increased sources of light and glare. With regard to the commenter's concern that significance thresholds were not identified to explain how the EIS reached its conclusions specific visual effects, agencies are not required by NEPA to use such thresholds if they are not useful in the analysis of an effect. The EIS does consider the significance (i.e., magnitude of effect within relevant context and intensity) of the environmental effects measured against the No Action Alternative and the Supplemental Draft EIS has been revised to provide a discussion of the basis for determining the relative magnitude of visual effects (see 4.6.1.2, Methods). Here, the Service recognizes that aesthetic judgments are inherently subjective, but considered the changes in visual character and light and glare against the No Action Alternative (no development) and in the context of criteria developed to determine if the effects were unacceptable.

With respect to the commenter's concern about visual effects on open space, Section 4.6, Visual Resources, in Volume I of this Supplemental Draft EIS conducted includes a viewshed analysis that identifies sensitive viewers and important visual resources in the study area, and the possible visual

effects relative to each alternative. This analysis includes a discussion of the visual effects of Existing Ranch Uses or Plan-Wide Activities that would occur within the open space areas for each alternative.

With respect to the commenter's concerns regarding "suburbia" and "urban sprawl," to the extent the comments speak to the specific appearance of the Commercial and Residential Development, the EIS does not consider specific design criteria at the project level. As indicated in the revisions to Section 4.6, Visual Resources, in Volume I of this Supplemental Draft EIS, the local jurisdiction that approves the individual project would guide the design criteria. Nevertheless, as described in Section 10.2.2.4, Approach to Mitigating Indirect Effects, above, the Covered Activities would comply with the species-specific conservation measures required under the TU MSHCP (see Tables 2-3 and 2-4 in Chapter 2, Proposed TU MSHCP and Alternatives, in Volume I of this Supplemental Draft EIS), some of which would operate to protect visual resources, (e.g., requiring that only low density and low profile construction be allowed and that lighting be directed away from modeled habitat). If the Service issues an ITP to TRC for incidental take of the 27 species covered under the TU MSHCP, these measures would be enforceable under the ESA through the ITP and applicable conservation easements.

The additional, project-specific visual effects analysis suggested by commenters is beyond the scope of this EIS, which considers the effects of the proposed action, approving an HCP and issuance of an ITP.

The TMV EIR does not contradict the analysis provided in this Supplemental Draft EIS. It provides an additional viewshed study specific to the TMV Project and determined that development consistent with design standards in the TMV Special Plan would ensure that future land uses would complement and not detract from the existing setting and visual character of the area (Kern County 2009, pp. 4.1-22 to -23). The TMV EIR also includes more detailed mitigation measures which restrict the development footprint, require low-profile development in mixed-use centers, and minimize grading and require lighting restrictions (Kern County 2009, MM 4.1-4 to 4.1-6, p. 3-4)]. These measures are consistent with the mitigation measures identified in this Supplemental Draft EIS. The EIR also includes detailed planning principles and land use policies in the TMV Community and Specific Plan, attached as Exhibit B-1 to the EIR. Thus, the EIR supports the EIS conclusions regarding the type of mitigation measures likely to be implemented per the local approval process.

10.2.3.7 Community Resources

Hazardous Materials and Other Hazards

Several commenters raised the issue of hazardous materials associated with the TMV Project, including the effect of hazardous materials on biological resources, and stated that the Draft EIS does not adequately discuss these risks. Other commenters stated that the TMV Project would result in increased fire risks on the Covered Lands. Because comments on the TMV Project are outside the scope of this EIS, to the extent applicable, the following responses interpret these comments to apply to the Commercial and Residential Development Activities overall that would be facilitated by the proposed action.

Potential effects from exposure to hazardous materials and other hazards are addressed in Section 4.7, Community Resources, in Volume I of the Supplemental Draft EIS. The analysis presented in this section indicates there is the potential to encounter hazardous materials and waste, for some commercial activities to generate hazardous materials and wastes, and potential exposure to electric and magnetic fields associated with transmissions lines. This section also acknowledges the potential for wildfire risks and exposure to vector-borne diseases. The EIS notes that development would be set back from utilities and that operations activities would be required to comply with numerous Federal, state, and local laws and regulations. In addition, as described in Section

10.2.2.4, Approach to Mitigating Indirect Effects, above, the Covered Activities would comply with the species-specific conservation measures required under the TU MSHCP (see Tables 2-3 and 2-4 in Chapter 2, Proposed TU MSHCP and Alternatives, in Volume I of this Supplemental Draft EIS), some of which would operate to control the risks of exposure of people to hazards (e.g., preparation and approval of a fuel management plan would protect against fire risks, undergrounded utilities would protect against overhead utility risks, such as EMF, implementation of an Integrated Pest Management Plan and enforcement of the ranchwide lead ammunition ban would protect against chemical/contaminants, and stringent trash storage and disposal controls would protect against disease vectors). If the Service issues an ITP to TRC for incidental take of the 27 species covered under the TU MSHCP, these measures would be enforceable under the ESA through the ITP and applicable conservation easements.

Section 4.7, Community Resources, in Volume I of this Supplemental Draft EIS provides the relevant analysis of these topics. Refer to Section 4.1, Biological Resources, in Volume I of this Supplemental Draft EIS for a discussion of fire risks to biological resources.

Consistent with the EIS, the TMV EIR recognizes the potential for effects from the generation, use, disposal, release, or emission of hazardous materials, but indicates these effects would be less than significant (Kern County 2009, Findings of Fact, pp. 100–102). The EIR includes a detailed analysis regarding potential exposure to hazardous materials on the TMV Project site, including from agricultural chemicals in the soil, underground pipelines, electrical transformers, the hunting lodge, cattle pen areas, the I-5 corridor, electrical transmission lines, and unknown hazardous material sites, as well as potential hazardous material sites near the TMV Project site (Kern County 2009, pp. 4.7-29 to -41). The EIR includes the additional site analysis and mitigation that would be required through the local approval process; for example, the EIR includes a detailed Phase I Environmental Site Assessment of known hazardous material sites on and near the TMV site (Kern County 2009, Appendix H-1 to the EIR). According to the EIR, with mitigation, all potential hazardous material-related effects would be reduced to a less-than-significant level (Kern County 2009, p. 4.7-41). Consistent with the EIS, the EIR also recognizes the potential to expose people and structures to risks associated with wildfires (Kern County 2009, Impact 4.7-8). The EIR includes a detailed TMV fire protection plan, which was specifically designed to address increased fire risk and provides wildfire risk mitigation meeting or exceeding Kern County Fire Codes (i.e. requiring oversight by the Kern County Fire Department; adherence to plant restrictions and vegetation management; undergrounding of new power lines; adequate construction of access roads, structures, and fire protection infrastructure; public education efforts; and funding toward a reverse 911 calling system) (Kern County 2009, pp. 4.7-49 to -50 [MM 4.7-10 through 4.7-16]). Measures provided in the fire protection plan include requirements for customized fuel modification based on fire risk; building design and construction, including interior sprinklers; significant onsite fire-fighting capabilities; a modern water delivery system; and access roadways throughout the community to provide a layered system of fire protection that serves the dual purpose of minimizing the threat from wildfire to the TMV Project and the threat of a TMV Project fire “escaping” into open space areas (Appendix D to Appendix B-1 to the EIR). Also consistent with the mitigation required in the EIS, the EIR requires that the TMV Project provide funding, equipment and dedicated land for construction of fire stations on the TMV Project site (Kern County 2009, pp. 4.13-14 to -16). The EIR concludes that effects on fire services would be less than significant (Kern County 2009, p. 4.16-18). The effects of the fire prevention plan (FPP) in the Covered Lands open space areas are analyzed in the EIS and discussed further in the Master Response 7, Edge Effects, Fuel Modification, and Wildlife Habitat Connectivity.

Similarly, consistent with the EIS, the EIR also recognizes the potential to expose people to diseases and vectors through exposure to rodents, mosquitoes and other insects. The EIR concludes that the potential for such exposure is limited, and with mitigation that would impose measures to reduce

mosquitoes at golf courses (Kern County 2009, p. 4.7-50, MM 4.7-17), all effects would be reduced to a less-than-significant level.

The information presented in the TMV EIR provides more detail about potential effects from hazardous materials and other hazards of the TMV Project and provides an example of how potential effects from exposure to hazardous materials and other hazards from Commercial and Residential Development would be mitigated through the local approval process.

Public Services and Utilities

Commenters stated that the TMV Project would cause pressures to existing public services, including water supply. One commenter raised a concern that effects of development on schools, financial resources, and public safety, need to be holistically addressed through a regional planning effort. Commenters also stated that the TMV Project would decrease groundwater levels. Commenters expressed concern that the TMV Project would lead to water shortages for other users, and that the TMV Project's water demand is unproven. Because comments on the TMV Project are outside the scope of this EIS, to the extent applicable, the following responses interpret these comments to apply to the Commercial and Residential Development Activities overall that would be facilitated by the proposed action.

Potential effects on the provision of public services and utilities are discussed in Section 4.7, Community Resources in Volume I of this Supplemental Draft EIS. As indicated in this section, the EIS recognizes that increased population would generate additional need for emergency, fire, medical and rescue, sheriff department, school, water and utility resources, requiring a substantial expansion of facilities. With respect to the provision of adequate water supply, Section 3.2, Water Resources, in Volume I of this Supplemental Draft EIS, presents information regarding the size, capacity, recharge, and jurisdiction of the two large groundwater aquifers and several smaller subbasins located to the north and south of the Covered Lands. The potential effects on groundwater recharge in the context of increased demand for water supply are also discussed in this section.

As indicated in the revisions to Section 4.7, Community Resources, in Volume I of this Supplemental Draft EIS, potential effects on public services and utilities would be primarily addressed through compliance with applicable Federal, state, and local regulations. For example, Kern County's approval of the TMV Project requires the implementation of many mitigation measures to address potential effects. The information presented in the TMV EIR, summarized below, provides more detail about potential effects on public services from the TMV Project and provides support for the conclusions in the EIS that indicate potential effects on public utilities and services would not be expected to exceed capacity.

Development-related public facility needs would be addressed as part of the development approval process. With respect to fire, police and schools, the TMV EIR includes detailed analysis regarding potential effects on fire services, sheriff facilities and public schools. Consistent with the EIS, the EIR recognizes that commercial and residential development would place additional demands on all of these resources (Kern County 2009, pp. 4.13-15 to -25). Extensive mitigation measures are identified, including fair-share funding measures and dedication of land to reduce potential effects to a minor level (Kern County 2009, pp. 4.13-14 to -24 [MM 4.13-1 through 13]).

With respect to water supply, the TMV EIR also includes further detail on water demand and supply for the TMV Project, consistent with CEQA and the California Water Code. Section 4.16, Utilities and Service Systems, in the TMV EIR, demonstrates sufficient water supplies are available to TCWD to serve the TMV Project, as well as the Tejon Industrial Complex, from existing entitlements. TCWD would serve the TMV Project with water delivered through an existing turnout of the California Aqueduct that would be refurbished and enhanced.

The EIR and water supply assessment clarify that no groundwater would be used for the TMV Project and identify the following three sources of water supply for the TMV development:

- tertiary-treated recycled water produced by the TMV wastewater treatment plant
- water recovered from TCWD water banking facilities in the Kern Water Bank and Pioneer project; and
- State Water Project deliveries, assuming average, dry and multiple dry year deliveries would occur at the lowest levels identified in the current State Water Project reliability report (Kern County 2009, p. 4.16-12).

The analysis concludes that with these three sources of supply, TCWD can meet all District demands, including TMV project demands, and maintain a 7-year indoor water use supply for the TMV Project in the TCWD water banking facilities (Kern County 2009, p. 4.16-18). Water supplies would be sufficient given conservative assumptions incorporating long-term hydrologic data spanning more than eight decades and even under more conservative scenarios than those suggested under the most recent State Water Project reliability report (Kern County 2009, pp. 7-1428 to -34).

As discussed in the TMV EIR, the TMV Project water supply assessment incorporates conservative assumptions (including use of the most severe drought condition on record) and none of these supply sources represent “paper water” or other speculative supplies. Further, the TMV EIR stipulates that no groundwater source would be used to serve the TMV Project (Kern County 2009, p. 4.16-14); thus, the TMV project is not expected to result in depletion of the water table.

Consistent with the EIS prediction that the smaller population and integrated development plan of the TMV Project would enable use of measures to reduce per capita water demand, the EIR identifies numerous mitigation measures and project design features to reduce the TMV Project effects related to water supply to less-than-significant levels, including implementation of a water-wise program that establishes a maximum applied water allowance budget for each lot or home (Kern County 2009, p. 4.16-18 [MM 4.16-1]); plant selection requirements and landscape design measures to limit outdoor water needs (Kern County 2009, p. 4.16-18 [MM 4.16-2]); an environmental education program to promote the advantages of water conservation; and the building of a temporary Eco-House to model sustainable development technologies and best practices (Kern County 2009, pp. 4.3-128 to -135 [MM 4.3-6]). Finally, to the extent available, recycled water would be used to irrigate golf courses and community landscaped areas.

With respect to the TMV Project, the analysis in the TMV EIR demonstrates that TCWD’s mix of recycled, water bank and State Water Project supplies are sufficient to recharge water banks and meet all demands during normal, dry and multiple year dry periods. As discussed above, the information presented in the TMV EIR provides more detail about potential effects on public services from the TMV Project, and provides support for the EIS significance findings and conclusions regarding mitigation to be imposed to compensate for additional demands on public services during the local approval process.

10.2.3.8 Transportation

Several commenters raised the issue of traffic and transportation, generally stating that the development and operation of the TMV Project would cause congestion effects that were not fully analyzed and mitigated in the EIS. One commenter stated that the TMV Project would result in new roads and an exceedance of capacity on existing roads. The commenter stated that these effects are due in part to the “isolated nature” of the proposed developments related to existing transportation, and suggested that the EIS should expand the discussion of potential avoidance measures for these effects by considering relocating the proposed development, increasing the density, reducing the

footprint, concentrating development along the I-5 corridor, and committing to measures to improve public transportation.

Construction Effects on Existing Roadways

As discussed above, commenters suggested the EIS should expand the discussion of potential avoidance measures to reduce construction-related effects on existing roads during development.

Because the EIS does not approve development, a detailed analysis of specific development plans, including the exact phasing of development or layout of buildings and roads, is beyond the scope of this analysis. Section 4.8, Transportation, in Volume I of this Supplemental Draft EIS has been revised to reflect the most current modeling approach and includes a discussion of potential effects from construction traffic that could result from the proposed action considered in the EIS. Prior to revising the modeling approach in the EIS, the TMV EIR was reviewed to ensure the assumptions in the revised model were consistent with the TMV Project assumptions included in the EIR.

While the EIS provides programmatic analysis, the TMV EIR incorporates more detailed assumptions about the phasing of development construction, resulting in construction trip information that is not available for all development in the EIS. However, consistent with the EIS, the EIR recognizes that development would generate construction-related truck and commuter trips (Kern County 2009, p. 4.15-23), and includes a mitigation measure requiring development and implementation of a construction traffic control plan (Kern County 2009, p. 4.15-36 [MM 4.15-4]). As indicated in the revisions to Section 4.8, Transportation, in Volume I of this Supplemental Draft EIS, Kern County's approval of the TMV Project demonstrates that potential effects from Commercial and Residential Activities facilitated by the proposed action would be mitigated through the local approval process.

Highway Network

Several commenters raised concerns regarding traffic congestion associated with the TMV Project. One comment stated that a conservative approach to assessing potential traffic effects must be taken, and that a simulation of traffic trips per day should be conducted. Another commenter suggested that the EIS should analyze potential measures to avoid the project's contribution to exceedance of existing highway capacities.

As discussed above, the traffic study supporting the analysis in this Supplemental Draft EIS has been revised and incorporated into Section 4.8, Transportation in Volume I of this Supplemental Draft EIS. Revisions to this section clarify that there is potential for the Proposed TU MSHCP Alternative and other alternatives to exceed the capacity of the surrounding roadway system at certain locations.

The TMV EIR provides more detailed analysis of potential traffic effects associated with the TMV Project. Consistent with the EIS, the EIR recognizes that the TMV Project would generate a large number of new trips. The EIR includes a detailed analysis of potential effects on specific roadway segments, freeway ramps, and intersections, and analyzes the effect the TMV Project would have on level of service standards and volume to capacity ratios (Kern County 2009, pp. 4.15-23 to -38). The analysis in the EIR is organized differently than in the EIS, and includes some additional detail regarding potentially effected roadways. However, both documents recognize that commercial and residential development would generate new trips that would place additional demands on the roadway system.

The EIR includes mitigation measures, including preparation of various reports, monitoring commitments, potential implementation of transportation demand management measures, and the provision of sufficient parking facilities (Kern County 2009, p. 7-76 to -84 [MM 4.15-1 through 4.15-

10]). With implementation of these mitigation measures, the EIR concludes that all project-specific effects from the TMV Project would be less than significant (Kern County 2009, p. 4.15-41). The EIR found that cumulative effects would be significant. These conclusions are consistent with the analysis in Section 4.8, Transportation, in Volume I of this Supplemental Draft EIS.

The information presented in the TMV EIR provides more detail about potential operations transportation effects from the TMV Project to the existing highway network, and supports the EIS conclusions regarding effects of the Proposed TU MSHCP Alternative on transportation resources. In addition, the EIR supports the EIS conclusions regarding the type of traffic mitigation that would be appropriate for a project-specific development.

Effects Associated with New Roadways

One commenter stated that the EIS should expand the discussion of potential avoidance measures that could be implemented to reduce effects from new roads, such as increased density and a reduced project footprint.

In this Supplemental Draft EIS, new roads are included in the Disturbance Area and analyzed quantitatively for each alternative. The analysis of effects from new roads in the Disturbance Area is included in each of the resource elements discussed in this Supplemental Draft EIS. Likewise, the TMV EIR recognized that the TMV Project would generate the need for new roads (Kern County 2009, 4.15-49). More details about the internal roadway system are provided in the TMV EIR, as Kern County is the agency that approves the specific development. The EIR notes that the TMV Project fulfills multiple Kern County General Plan land use and planning policies encouraging compact development. Additionally, various measures are included in the EIR that would reduce potential internal roadway effects (Kern County 2009, p. 4.15-24).

The information presented in the TMV EIR provides more detail about potential effects from the internal roadway network for the TMV Project, and supports the conclusions in the EIS regarding the type and magnitude of those effects and their significance.

Public Transit

One commenter stated that the proposed development should be located closer to existing transit networks and metropolitan areas, and that the EIS should include descriptions of potential commitments to improve public transportation if the TMV Project were approved.

The Service is not approving the TMV Project; however, because approving the TU MSHCP and issuing an ITP would facilitate development, the EIS examines the potential for the alternatives to affect transit systems. This Supplemental Draft EIS concludes that the Proposed TU MSHCP Alternative would be concentrated in close proximity to areas already served by Kern Regional Transit. It is expected that this provider would establish stops for their bus service, increase frequency of the buses, and/or increase the size of the buses to serve increased demand. It is also expected that individual development projects would have the authority to impose such mitigation as requested by the commenter.

Kern County specifically reviewed potential effects on transit from the TMV Project, and included mitigation measures in the EIR to promote alternative forms of transportation, including potential implementation of a transportation demand management program, construction of a transit connection (including a bus stop), and additional measures, such as pedestrian, bicycle and alternative-vehicle access to commercial areas, installation of bicycle storage facilities, designation of parking spots for alternative fuel vehicles and carpools or vanpools, required use of alternative fuel for community service vehicles, and installation of high-speed communication technology to facilitate telecommuting (Kern County 2009, pp. 7-79, 7-82 [MM 4.15-3, 4.15-5], 7-83 to -84; 7-96 [MM 4.3-7

through 4.3-10; MM 4.3-11 through -13]). The EIR concluded that all effects on transit resulting from the TMV Project would be less than significant.

Local project approvals and the EIR are the appropriate place to consider and mitigate such project-specific effects. The EIR provides additional detail and supports the conclusions in the EIS regarding the type and magnitude of effects on transit services.

10.2.3.9 Climate Change

Comments related to the TMV Project and climate change question the methodology through which emissions from development were calculated and suggest mitigation applicable to development projects (e.g., solar power for homes, use of recycled materials for construction).

The GHG emissions analysis was revised in this Supplemental Draft EIS to use the most recent GHG model (CalEEMod), which, in turn, incorporates a series of updated assumptions for the GHG analysis. These updated assumptions were informed, in part, by review of the TMV EIR, as noted above. Revisions to the Supplemental Draft EIS also clarify that the alternatives would be required to comply with applicable Federal, state, and local regulations related to GHG emissions. As noted in Section 4.9, Climate Change and Greenhouse Gases, in Volume I of this Supplemental Draft EIS, the local jurisdiction will require implementation of mitigation during local project approval. For example, Kern County's approval of the TMV Project includes specific mitigation measures intended to reduce GHG emissions. These measures are referenced in Section 4.9, Climate Change and Greenhouse Gases, in Volume I of this Supplemental Draft EIS, and presented in Appendix J, TMV Specific and Community Plan Mitigation Monitoring and Reporting Program as examples of the types of measures that would be implemented for Commercial and Residential Development Activities for the proposed action. Specifically, emission reductions must be achieved consistent with the state's ambitious GHG reduction goals reflected in California Assembly Bill (AB) 32, or 29% below what it would otherwise emit in the absence of project design features and emission reduction commitments; and incorporation of design elements to encourage ride-sharing, alternative vehicle use, and recycling (Appendix JMMs 4.3-6 through 4.3-14 and 4.3-18) (Kern County 2009). The EIR also includes a variety of mitigation measures intended to reduce GHG emissions associated with construction activities, such as use of alternative fuels and sustainable materials during construction; and additional specific measures to reduce energy use (Appendix J, MMs 4.3-1 through 4.3-5, 4.3-18 through 4.3-21) (Kern County 2009). These air quality mitigation measures, in combination with the voluntary emissions reduction agreement (VERA) entered into between the TMV Project applicant and the SJVAPC, are anticipated to result in substantial GHG emission reductions. Many of the mitigation measures suggested by commenters have been incorporated into the TMV Project.

For additional information about GHG emissions, please see Master Response 13, Climate Change.

10.2.3.10 Growth-Inducing Effects

Several comments raised the issues of induced growth and urbanization that could be facilitated by the TMV Project, and that indirect, growth-inducing effects must be analyzed under NEPA, including GHG emissions due to increased vehicle travel and other effects on air, water, and natural resources. Commenters stated that the EIS must estimate the amount, location and time frame of growth, determine the significance of such effects, and identify mitigation measures or alternatives to reduce potential effects. Commenters stated that new residents would be subject to urban sprawl, including suburban development and chain stores. Another commenter suggested that the development would lead to homeless encampments. Yet another commenter stated that the TMV Project is "leapfrog development" and growth would extend from Gorman into the Antelope Valley to

Lancaster. One commenter stated that the Federal action would lead to 26,000 homes, not including 23,000 additional homes in Centennial.

This Supplemental Draft EIS has been revised to include a discussion of growth inducing effects (Section 5.2, Growth-Inducing Effects in Volume I of this Supplemental Draft EIS). The Proposed TU MSHCP Alternative has been identified as indirectly resulting in growth inducement by removing an existing obstacle to development. Many growth inducing effects are mitigated by conservation restrictions as described in the EIS, TU MSHCP, and the EIR, which was prepared pursuant to CEQA as part of the local entitlement process for a proposed development. Additionally, development activities covered under the TU MSHCP would not result in growth in the Covered Lands that exceeds regional growth projections. However, compared to existing conditions, the development contemplated as a Covered Activity under the TU MSHCP would result in a substantial increase in residential and commercial structures on Tejon Ranch, compared to what was in existence at the time that this document was prepared (Section 5.2, Growth-Inducing Effects, in Volume I of this Supplemental Draft EIS).

Regarding the effect of homeless encampments, there is no reason to believe that the proposed action would lead to the establishment of these types of areas. Any homeless encampments that could result indirectly from the proposed action, and associated effects on biological resources from such homeless encampments, are anticipated to be very limited and highly speculative.

The TMV EIR determined that the TMV Project, as a sustainable resort community, would involve less growth than identified in the Kern County General Plan, and would maintain open space and the existing rural context of the region and natural topography of the TMV Project site. Nevertheless, the EIR concluded that the TMV Project would result in significant growth-inducing effects (Kern County 2009, p. 4.12-11). The information presented in the TMV EIR is consistent with the conclusions in this Supplemental Draft EIS.