

Master Response 12

Cumulative Effects

Table MR12-1. Comments Addressed in Master Response 12

Individual Comment	Company
G2-36	U.S. Environmental Protection Agency (Goforth, Kathleen)
G2-37	U.S. Environmental Protection Agency (Goforth, Kathleen)
G2-38	U.S. Environmental Protection Agency (Goforth, Kathleen)
G2-39	U.S. Environmental Protection Agency (Goforth, Kathleen)
G2-40	U.S. Environmental Protection Agency (Goforth, Kathleen)
I375-1	DeVries, Pamela
I375-2	DeVries, Pamela
I627-12	Hamber, Robert
I628-2	Hamber, Robert
I628-3	Hamber, Robert
I628-25	Hamber, Robert
O4-110	Center for Biological Diversity (Keats, Adam)
O10-5	TriCounty Watchdogs (de Leeuw, Jan)
O10-23	TriCounty Watchdogs (de Leeuw, Jan)

12.1 Summary of Substantive Comments

The following summarizes the substantive comments received related to the cumulative effects analysis in the Draft EIS. This response begins with a discussion of the National Environmental Policy Act (NEPA) requirements for considering the cumulative effects of a proposed action, followed by an overview of the Supplemental Draft EIS's approach to analyzing cumulative effects. Responses to individual comments are provided after the overview.

Table MR12-1 provides a list of the commenters and a reference to the individual comments, as summarized below. The parenthetical reference after each summary bullet indicates where a response to that comment is provided.

- The cumulative effects analysis of biological resources should have more thoroughly considered the effects of other regional projects, particularly the proposed Centennial development in Los Angeles County, given its overlap with the biological resources on the Covered Lands and cumulative effects on condor flyways between Tejon Ranchcorp (TRC) developments and Centennial and Frazier Park Estates. (Response provided in Section 12.2.3, Cumulative Effects Analysis for Biological Resources.)
- The potential cumulative effects of climate change on biological resources should have been more thoroughly analyzed. (Response provided in Section 12.2.4, Cumulative Effects Analysis for Climate Change.)
- The cumulative effects for all environmental resources did not sufficiently consider other existing and future projects, including Interstate 5 (I-5), Gorman, Lebec, Frazier Park, Lake of the

Woods, Pinion Pines, and Pine Mountain Club, as well as the Tejon Mountain Village (TMV) Project, Centennial, and Grapevine projects. Cumulative effects for each alternative should be more thoroughly analyzed. (Response provided in Section 12.2.5, Cumulative Effects Analysis for Other Regional Projects.)

- Holistic regional planning is difficult if not all regional projects are analyzed in the EIS. (Response provided in 12.2.6, Holistic Regional Planning.)

It should be noted that some comments about the cumulative effects of the proposed action appear to be focused on the Tejon Mountain Village Environmental Impact Report (TMV EIR) (Kern County 2009), not the Draft EIS. The TMV EIR has already been certified by Kern County in an independent process. The relationship between the TMV EIR, the TU MSHCP, and the EIS for the TU MSHCP is discussed in detail in Master Response 10, TMV Project, EIR, and Development-Related Effects Analysis. To the extent that these comments raise issues that may apply to the EIS, they are addressed below.

12.2 Responses to Substantive Comments

12.2.1 NEPA Requirements for Cumulative Analysis

NEPA requires Federal agencies to consider the effects of both cumulative actions and cumulative impacts (40 Code of Federal Regulations [CFR] 1508.25, 1508.7). Cumulative actions are those “which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement” (40 CFR 1508.25(a)(2)). A cumulative impact is defined as “The impact on the environment which results from the incremental impact 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 impacts can result from individually minor but collectively significant actions taking place over a period of time” (40 CFR 1508.7).

All reasonably foreseeable actions with potential cumulative effects must be addressed in an environmental impact statement (EIS). Cumulative effects need not be discussed if they are speculative. The “rule of reason” test determines whether the discussion of cumulative impacts is reasonably thorough and would allow a decision maker to make an informed decision.

12.2.2 Approach to Cumulative Effects Analysis in the Supplemental Draft EIS

The methods used for the cumulative analysis are set forth in Section 4.0.4, Methods for Assessing Cumulative Effects, in Volume I of this Supplemental Draft EIS. In response to comments, this Supplemental Draft EIS includes additional detail about other, reasonably foreseeable regional projects and their potential to result in a cumulative effect when considered in combination with the proposed action. In addition, the analyses presented in Chapter 4, Environmental Consequences, in Volume I of this Supplemental Draft EIS have been revised to include a clearer, supplemented analysis of cumulative effects for each of the nine environmental resource elements considered in this EIS—biological resources, water resources, air quality, geology and soils, cultural resources, visual resources, community resources, transportation, and greenhouse gases and climate change. Because the Service’s action is issuance of an incidental take permit (ITP), not approving development, the discussion related to biological cumulative effects is the most in-depth; however, for all resources areas, the Supplemental Draft EIS effects analysis includes a discussion and comparison of cumulative effects under the various alternatives.

Additionally, the final section of each resource analysis in this Supplemental Draft EIS provides a summary and comparison of the alternatives. For the purposes of disclosure and understanding the magnitude of the potential effects among the alternatives, this Supplemental Draft EIS provides a discussion of the criteria used in assessing the relative effects of the proposed action on each resource element. As explained in Section 4.0.4.3, Determination of Scope of Cumulative Effects, the determination of cumulative effects under an EIS involves the analysis of the direct and indirect effects of the proposed action; determination of which resources, ecosystems, and human communities would be affected; consideration of the additive, synergistic, and environmental consequences over time of other actions; and analysis of the magnitude of effects on affected resources from a cumulative effects perspective.

This analysis satisfies NEPA's mandate to consider cumulative effects, particularly given the scope of the Federal action at issue—issuance of an ITP—which could facilitate, but would not approve, development in the Covered Lands.

12.2.3 Cumulative Effects Analysis for Biological Resources

Some commenters raised concerns about the Draft EIS's analysis of biological cumulative effects. These commenters suggest that the Draft EIS failed to consider the cumulative effects other regional projects might have on the Covered Species. In particular, some commenters questioned the Draft EIS's analysis of the potential for cumulative effects with respect to the proposed Centennial development in Los Angeles County. Commenters also raised specific questions about the Draft EIS's analysis of cumulative effects on the California condor and its critical habitat.

As discussed above, the cumulative effects analysis provided in Chapter 4, Environmental Consequences, in Volume I of this Supplemental Draft EIS has been supplemented with additional information specific to other reasonably foreseeable regional projects in an expanded cumulative effects analysis area, some of which were noted in comments. In general, these projects are described in Section 4.0.4.2, Other Reasonably Foreseeable Actions, and include the Centennial project. Additional regional projects are also specifically considered in the biological resources section (e.g., Newhall Ranch development project, various wind energy projects), as described in Section 4.1.7, Cumulative Effects, in Volume I of this Supplemental Draft EIS. The cumulative effects analysis specific to biological resources considers the effects of the proposed action alternative, in combination with these other reasonably foreseeable projects, on vegetation communities, and wildlife and plant species, including the California condor, and habitat connectivity.

With respect to vegetation, while the Centennial Specific Plan Area and the Covered Lands both support many of the same general types of vegetation (e.g., grasslands, scrub, native and nonnative grasslands, woodlands, chaparrals, and riparian and wetland communities), these broadly defined communities generally occur in all nonmontane and nondesert regions of California. Due to the elevation, geographic, and climate differences between the two areas, there are substantial differences in the relative amounts of some important vegetation communities that reflect important biological differences between the two sites. The lower and drier Centennial Specific Plan Area is dominated by grasslands, with native and nonnative grasslands accounting for about 77% of the cover, whereas grasslands account for only 18% of the cover on the Covered Lands. The montane setting of the Covered Lands is characterized primarily by savannah and woodland vegetation communities. As such, the potential for a combined cumulative effect on vegetation communities from the alternatives and Centennial project is limited. Nevertheless, the analysis in Section 4.1.7, Cumulative Effects, in Volume I of this Supplemental Draft EIS, considers the Centennial project.

With respect to condor flyover habitat, some commenters asserted that the TU MSHCP must distinguish other populated areas over which condors are known to fly from the TMV Project because of the TMV Project's size and location. Section 4.7, Cumulative Effects, in Volume I this

Supplemental Draft EIS acknowledges that while condors have been known to fly over the Centennial project, they do not fly over that area as frequently as they fly over the study area. However, California condors regularly fly over developed areas as part of their home ranges, and for the reasons discussed in Section 4.1.3.3 and 4.1.7.2, Wildlife Movement and Connectivity, in Volume I of the Supplemental Draft EIS, the Service does not believe the TMV Project or other potential development adjacent to the Covered Lands would act as a barrier (either directly or cumulatively) to condor movement, such that it would preclude access to other areas of their historic range. Please refer to Master Response 1G, California Condor Overflight Habitat Connectivity, in Volume II of the Supplemental Draft EIS, for further discussion.

Finally, the cumulative effects analysis in this Supplemental Draft EIS considers potential effects on other Covered Species that would also be affected by other projects, including the Centennial project. See Section 4.1.7.2, Wildlife and Plant Species, in Volume I of the Supplemental Draft EIS.

In sum, consistent with NEPA regulations, this Supplemental Draft EIS has been revised to include additional quantification and detailed information about potential cumulative effects on biological resources. The Service has also clarified its consideration of the past, present, and reasonably foreseeable actions considered in this Supplemental Draft EIS. Where relevant, the analysis of effects has been quantified in terms of the nature of the resource being affected, size, duration, and intensity of effect (where possible), and possible mitigation scenarios. As explained in this Supplemental Draft EIS, due to the substantial open space commitments of each of the alternatives, including the Proposed TU MSHCP Alternative, and the anticipated mitigation and regulatory requirements that would be imposed on them, substantial cumulative effects on biological resources are not expected.

12.2.4 Cumulative Effects Analysis for Climate Change

As noted above, some commenters suggested that the Draft EIS failed to adequately consider the potential for future climate change to affect the Covered Species.

The Service agrees that climate change may affect habitat used by the Covered Species, both on and off the Covered Lands, and act as an additional stressor to the Covered Species. In response to comments, the Draft EIS has been supplemented to add specific discussion regarding the potential for climate change to affect each of Covered Species considered in the EIS. This analysis is included in Section 4.9, Climate Change and Greenhouse Gases, and Appendix C, Climate Change Effects Analysis and the TU MSHCP, of this Supplemental Draft EIS.

In addition, the Supplemental Draft EIS includes an analysis of the relationship, to the extent it is understood, between climate change, biological resources, and each alternative. This discussion considers the ability of each alternative to satisfy the management prescriptions recommended by Halpin (1997), including the following:

- selection of redundant reserves,
- selection of reserves that protect habitat diversity,
- management for buffer zone flexibility,
- management for landscape connectivity, and
- management for habitat maintenance.

Refer to Supplemental Master Response 13, Climate Change, for additional information regarding the Supplemental Draft EIS's discussion of the effects of climate change on Covered Species.

12.2.5 Cumulative Effects Analysis for Other Regional Projects

Some commenters raised specific questions regarding the sufficiency of the Draft EIS's discussion of other regional projects—both existing and future—with respect to cumulative effects on other environmental resources. These commenters also questioned whether the TMV Project was sufficiently considered in the cumulative analysis.

The approach for analyzing cumulative effects is described in Section 12.2.2, Approach to Cumulative Effects Analysis in the Supplemental Draft EIS, above. As noted in that section, the Supplemental Draft EIS now considers the potential cumulative effects of the alternatives for all resource areas discussed in Chapter 4, Environmental Consequences, in Volume I of this Supplemental Draft EIS. In addition, this Supplemental Draft EIS includes an expanded discussion regarding potential future development in the Tehachapi Uplands, as well as the valley foothill areas, including Frazier Park Estates, Gorman Post Ranch, Centennial, Grapevine, and the Tejon Ranch Commerce Center.

Several commenters also raised questions regarding the adequacy of the Draft EIS's cumulative effects analysis with respect to baseline and consideration of the TMV Project.

The discussion in the Supplemental Draft EIS has been augmented to consider existing development in the region, such as the mountain communities of Pine Mountain Club, Lebec, and Frazier Park, as part of the affected environment. For example, Section 3.7.3, Socioeconomic Conditions, in Volume I of the Supplemental Draft EIS describes current population growth and demographic and socioeconomic data for Census Designated Places to the west of the Covered Lands, which include Lake of the Woods, Lebec, and Frazier Park. Specifically, this Supplemental Draft EIS has been revised to explain that although there was little residential development in Frazier Park between 1990 and 2000, the housing stock in Bear Valley Springs, to the northeast of the Covered Lands, rose by 180% between 1990 and 2000. Similarly, Section 3.8, Transportation, in Volume I of this Supplemental Draft EIS has been revised to describe Kern Regional Transit service to existing communities such as Frazier Park, Lake of the Woods, Pinion Pines, Gorman, and Pine Mountain Club, and provides traffic counts that capture traffic from existing development for locations along I-5, State Route (SR) 138, SR 223, SR 58, and SR-14 near the Covered Lands. Thus, existing development is appropriately accounted for in Supplemental Draft EIS analysis. As noted earlier, Section 4.0.4.2, Other Reasonably Foreseeable Actions, in Volume I of this Supplemental Draft EIS includes a comprehensive listing of the projects considered in the cumulative effects analysis, including Frazier Park Estates and Gorman Post Ranch in the montane area, and Centennial, Grapevine and Tejon Ranch Commerce Center projects in the valley and foothill areas.

With respect to the question regarding whether the TMV Project itself was adequately considered in the EIS analysis, the TMV Project is considered as part of the Proposed TU MSHCP Alternative. Additionally, the TMV Project is considered in the Condor Only HCP Alternative and the Kern County General Plan Buildout Alternative.

12.2.6 Holistic Regional Planning

Some commenters suggested that the Draft EIS engaged in inappropriate “piece-mealing”, which precludes holistic regional planning by failing to consider other regional projects, such as Centennial or Frazier Park Estates. Other commenters were concerned about Centennial's growth-inducing or other impacts.

“Piece-mealing” or “segmentation” problems arise under NEPA if an agency has planned for a number of related or interdependent actions, but prepares individual EISs or environmental assessments, thereby avoiding considering the effect of the entirety of the undertaking (see *W. Radio*

Servs Co. v. Glickman, 123 F.3d 1189, 1194 [9th Cir. 1997]). Segmentation may subvert NEPA's purposes by committing the agency to future action or foreclosing the consideration of alternatives to the future action.

Neither the Draft EIS nor this Supplemental Draft EIS engage in improper piece-mealing or segmentation of any projects, such as Centennial and Frazier Park Estates. The Federal action under consideration here is approval of the TU MSHCP and issuance of an ITP. Other projects, such as Centennial and Frazier Park Estates, are separate, independent undertakings not covered under the TU MSHCP and must undergo their own environmental review process. A detailed analysis of these projects is beyond the scope of the proposed action being considered by the Service.

Such projects are, however, appropriately considered in the cumulative effects analysis. Despite the suggestion that additional information regarding proposed regional projects must be made available to conduct a thorough cumulative effects analysis, the Service does not have authority over these environmental review processes and cannot control the level of information available. However, as discussed above, to the extent information is available for Centennial and other regional projects, reasonably foreseeable projects are considered and discussed in the cumulative effects analysis for each resource element in this Supplemental Draft EIS in accordance with NEPA's requirements for analysis of cumulative effects.