

Overview

Tejon Ranchcorp (TRC) has submitted an application to the U.S. Fish and Wildlife Service (Service) for an incidental take permit (ITP) pursuant to Section 10(a)(1)(B) of the Federal Endangered Species Act (ESA), as amended, for activities covered under the Tehachapi Uplands Multiple Species Habitat Conservation Plan (TU MSHCP). An ITP must be obtained when private landowners, corporations, state or local governments, or other non-Federal landowners conduct activities on their land that might incidentally harm (or take) wildlife that is listed as endangered or threatened under the ESA. Take is generally defined as harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting a protected animal species.

TRC has requested that an ITP from the Service authorize the incidental take of 27 species, including four federally listed species and 23 other species that may become federally listed in the future (Table 1-1). These 27 species are collectively referred to as the Covered Species.

The ITP would cover 141,886 acres of the 270,365-acre Tejon Ranch (ranch) located in Los Angeles and Kern Counties, California (Figure 1-1). The area covered by the ITP is referred to as the Covered Lands and all 141,886 acres are located in Kern County. Activities proposed to be covered by the ITP (Covered Activities) include most ongoing ranch operations (excluding hunting and mineral extraction), as well as limited development-related activities in open space areas, referred to as Plan-Wide Activities, and planned future community development in development areas, referred to as Commercial and Residential Development Activities. Commercial and Residential Development Activities would consist of land disturbance development activities on up to 5,533 acres in and adjacent to the Interstate 5 (I-5) corridor.

The proposed action being considered in this Environmental Impact Statement (EIS) is the Service's response to the application for an ITP submitted by TRC for proposed activities associated with the TU MSHCP. As required by the National Environmental Policy Act (NEPA), a Draft EIS was prepared and circulated for public review by the Service in 2009 (U.S. Fish and Wildlife Service 2009). In February 2012, the Service prepared and circulated a Supplemental Draft EIS to respond to public comments on the Draft EIS, to consider updated data provided by the U.S. Geological Survey (USGS) on occurrence of the California condor on the Covered Lands, and to acknowledge Kern County's approval of the Tejon Mountain Village Project (TMV Project), one of the Commercial and Residential Development Activities considered in the TU MSHCP, which resulted in the County amending the general plan designations that formed the basis of the underlying alternatives analysis in the Draft EIS. The Supplemental Draft EIS also evaluated revised alternatives to the proposed TU MSHCP, including revised descriptions of the No Action, Condor Only HCP, and Kern County General Plan Buildout Alternatives, as well as one new alternative, the Condor Critical Habitat Avoidance Multiple Species Habitat Conservation Plan Alternative (CCH Avoidance MSHCP Alternative).

Table 1-1. Covered Species—Tehachapi Uplands Multiple Species Habitat Conservation Plan

Common Name	Scientific Name	Federal Status	State Status	CRPR List ²
Invertebrates				
Valley elderberry longhorn beetle	<i>Desmocerus californicus dimorphus</i>	FT	None	None
Amphibians				
Tehachapi slender salamander	<i>Batrachoseps stebbinsi</i>	None	ST	None
Yellow-blotched salamander	<i>Ensatina eschscholtzii croceater</i>	None	SSC	None
Western spadefoot	<i>Spea hammondi</i>	None	SSC	None
Reptiles				
Two-striped garter snake	<i>Thamnophis hammondi</i>	None	SSC	None
Coast horned lizard (frontale and blainvillii populations)	<i>Phrynosoma coronatum</i>	None	SSC	None
Birds				
Tricolored blackbird	<i>Agelaius tricolor</i>	None	SSC	None
Burrowing owl	<i>Athene cunicularia</i>	None	SSC	None
Golden eagle	<i>Aquila chrysaetos</i>	None	SSC, FP	None
Western yellow-billed cuckoo	<i>Coccyzus americanus occidentalis</i>	FC	SE	None
Yellow warbler	<i>Dendroica petechia brewsteri</i>	None	SSC	None
White-tailed kite	<i>Elanus leucurus</i>	None	FP	None
Little willow flycatcher	<i>Empidonax traillii brewsteri</i>	None	SE	None
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	FE	SE	None
American peregrine falcon	<i>Falco peregrinus anatum</i>	None	FP	None
California condor	<i>Gymnogyps californianus</i>	FE	SE, FP	None
Bald eagle	<i>Haliaeetus leucocephalus</i>	None	SE, FP	None
Purple martin	<i>Progne subis</i>	None	SSC	None
Least Bell's vireo	<i>Vireo bellii pusillus</i>	FE	SE	None
Mammals				
Ringtail	<i>Bassariscus astutus</i>	None	FP	None
Tehachapi pocket mouse	<i>Perognathus alticolus inexpectatus</i>	None	SSC	None
Plants¹				
Kusche's sandwort	<i>Eremogone macradenia</i> var. <i>arcuifolia</i> (formerly <i>Arenaria macradenia</i> var. <i>kuschei</i>)	None	None	None
Tehachapi buckwheat	<i>Eriogonum callistum</i>	None	None	1B.1
Fort Tejon woolly sunflower	<i>Eriophyllum lanatum</i> var. <i>hallii</i>	None	None	1B.1
Round-leaved filaree	<i>California macrophyllum</i>	None	None	1B.1
Tejon poppy	<i>Eschscholzia lemmonii</i> ssp. <i>kernensis</i>	None	None	1B.1
Striped adobe lily	<i>Fritillaria striata</i>	None	ST	1B.1

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

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

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

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

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

Public Comments on the Supplemental Draft EIS

The Supplemental Draft EIS public comment period began on February 3, 2012, and ended on May 3, 2012 (77 Federal Register [FR] 5564). Fourteen comment letters were received during the 90-day public comment period, including one comment letter from a Federal agency, one comment letter from a state agency, two comment letters from local jurisdictions, three comment letters from non-governmental organizations, and seven comment letters from members of the public. Copies of all comment letters received during the public comment period are provided in Chapter 4, Individual Responses to Comments, of this Final EIS.

NEPA requires that a Federal lead agency consider all comments received during the review and comment period on an EIS, and provide a response to all comments that are considered substantive. For the purposes of this EIS, substantive comments include all comments that requested clarification or modification of an alternative; requested clarification, improvements or modifications to the existing analysis, methodology, or assumptions included in the EIS; questioned the accuracy of the information presented; presented new information relevant to the analysis; or provided a reasonable alternative (including mitigation) other than those presented in the EIS. Responses to all substantive comments received during the public comment and review period on the Supplemental Draft EIS are provided in Chapter 3, Master Responses, and Chapter 4, Individual Responses to Comments, of this EIS. All comments, including those that were determined not to be substantive, were reviewed and considered in preparing this document.

Public Review of the Final EIS

This Final EIS has been filed with the Environmental Protection Agency (EPA), and a Notice of Availability (NOA) has been published in the Federal Register announcing the availability of the Final EIS for public review. After a minimum 30-day waiting period, the Service will issue a Record of Decision (ROD) stating its decision. The ROD will also include a discussion of the alternatives considered, the environmentally preferable alternative, the factors considered regarding the alternatives, environmental commitments and mitigation measures to be applied to the action, and any monitoring and enforcement programs that will need to be established. The ROD will also summarize and address any significant comments on the Final EIS.

Organization of the Final EIS

The Final EIS comprises one volume, organized as follows. Revisions to the Supplemental Draft EIS based on public comments are presented in Chapter 2, Supplemental Draft EIS Errata, of this Final EIS.

- Chapter 1, Introduction,
- Chapter 2, Supplemental Draft EIS Errata,
- Chapter 3, Master Responses,
- Chapter 4, Individual Responses to Public Comment,
- Chapter 5, List of Preparers, and
- Chapter 6, References.