

TEHACHAPI UPLAND MULTI-SPECIES HABITAT CONSERVATION PLAN

Draft Environmental Impact Statement Chapter 1.0 Purpose and Need for Action

1.0 PURPOSE AND NEED FOR ACTION

1.1 INTRODUCTION

Tejon Ranchcorp (TRC) has submitted an application for an incidental take permit (ITP or permit) pursuant to Section 10(a)(1)(B) of the Federal Endangered Species Act (FESA). The permit is needed to authorize the incidental take of the following federal- and state-listed and unlisted species that may result from implementing activities covered under a proposed Tehachapi Upland Multi-Species Habitat Conservation Plan (MSHCP): California condor (*Gymnogyps californianus*), least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), western yellow-billed cuckoo (*Coccyzus americanus occidentalis*), Tehachapi slender salamander (*Batrachoseps stebbinsi*), bald eagle (*Haliaeetus leucocephalus*), American peregrine falcon (*Falco peregrinus anatum*), little willow flycatcher (*Empidonax traillii brewsteri*), golden eagle (*Aquila chrysaetos*), white-tailed kite (*Elanus leucurus*), ringtail (*Bassariscus astutus*), tricolored blackbird (*Agelaius tricolor*), Tehachapi pocket mouse (*Perognathus alticolus inexpectatus*), burrowing owl (*Athene cunicularia*), yellow-blotched salamander (*Ensatina eschscholtzii croceator*), western spadefoot (*Spea hammondi*), purple martin (*Progne subis*), coast horned lizard (*frontale* and *blainvilli* populations) (*Phrynosoma coronatum*), two-striped garter snake (*Thamnophis hammondi*), round-leaved filaree (*Erodium macrophyllum*), Fort Tejon woolly sunflower (*Eriophyllum lanatum* var. *hallii*), Kusche's sandwort (*Arenaria macradenia* var. *kuschei*), Tehachapi buckwheat (*Eriogonum callistum*), striped adobe lily (*Fritillaria striata*), Tejon poppy (*Eschscholzia lemmonii* ssp. *Kernensis*), and yellow warbler (*Dendroica petechia brewsteri*) (collectively, Covered Species).

The permit would cover 141,886 acres¹ of the 270,365-acre Tejon Ranch (the ranch) located in Los Angeles and Kern Counties, California (Covered Lands) (Figure 1.1). All 141,886 acres of the Covered Lands are within Kern County. Activities that would be covered by the permit would include most ongoing ranch operations (excluding hunting and mineral extraction) and planned future community development of approximately 5,533 acres within and adjacent to the Interstate 5 (I-5) corridor in the Tejon Mountain Village Planning Area and the Lebec/Existing Headquarters area, as well as associated mitigation measures. This community development acreage occurs on less than 4% of the Covered Lands.

As originally envisioned, an ITP would have been required for implementing activities covered by a habitat conservation plan covering only the California condor (the Condor HCP). As a result of comments received during the public scoping period (described below), TRC decided to revise the proposed habitat conservation plan to include all of the Covered Species listed above and to clarify that TRC was not seeking coverage for its hunting program or coverage for lethal take of the California condor. The proposed MSHCP is the result of this revision.

In addition, during the planning process involved in developing the MSHCP, TRC engaged in discussions with various conservation organizations that were concerned about potential development within the Covered Lands. As a result of these discussions, TRC agreed to preclude development on the vast majority of the ranch, and to accept a variety of additional restrictions for a large portion of the Covered Lands. The Proposed MSHCP Alternative now includes a comprehensive, permanent land preservation and development program for the Covered Lands, including applicable terms of a recent agreement reached by TRC and several major environmental resource groups, including the Sierra Club, the Natural Resources Defense Council, the National Audubon Society, the Planning and Conservation League, and the Endangered Habitats League (the

¹ As explained in Chapter 2, a portion of the Covered Lands is not owned by TRC and, therefore, is not included in the analysis in this EIS. See Chapter 2, Section 2.2.1 for more detail.

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Ranchwide Agreement). This Ranchwide Agreement provides for the permanent protection of up to 90% of all ranch lands, including approximately 75% of the land within the Covered Lands (Figure 1.2). Additional portions of the Covered Lands within the developed areas would also be subject to permanent protection with the implementation of the Proposed MSHCP Alternative. The specific restrictions that would be imposed on the Covered Lands as a result of the Ranchwide Agreement are discussed in greater detail in Section 2.3.3 and are incorporated into the analysis of the Proposed MSHCP Alternative throughout this document.

1.2 PURPOSE AND NEED FOR THE PROPOSED ACTION

The purpose of the proposed action is to respond to TRC's application for an ITP for the Covered Species, pursuant to FESA Section 10(a)(1)(B) and its implementing regulations and policies. The need for the action is based on potential activities proposed by TRC that could result in the incidental take of Covered Species in the Covered Lands as a result of habitat modification from planned future community development of approximately 5,533 acres within and adjacent to the I-5 corridor in the Tejon Mountain Village Planning Area and the Lebec/Existing Headquarters area, both of which are described further in Chapter 2.

1.2.1 Purpose of the EIS

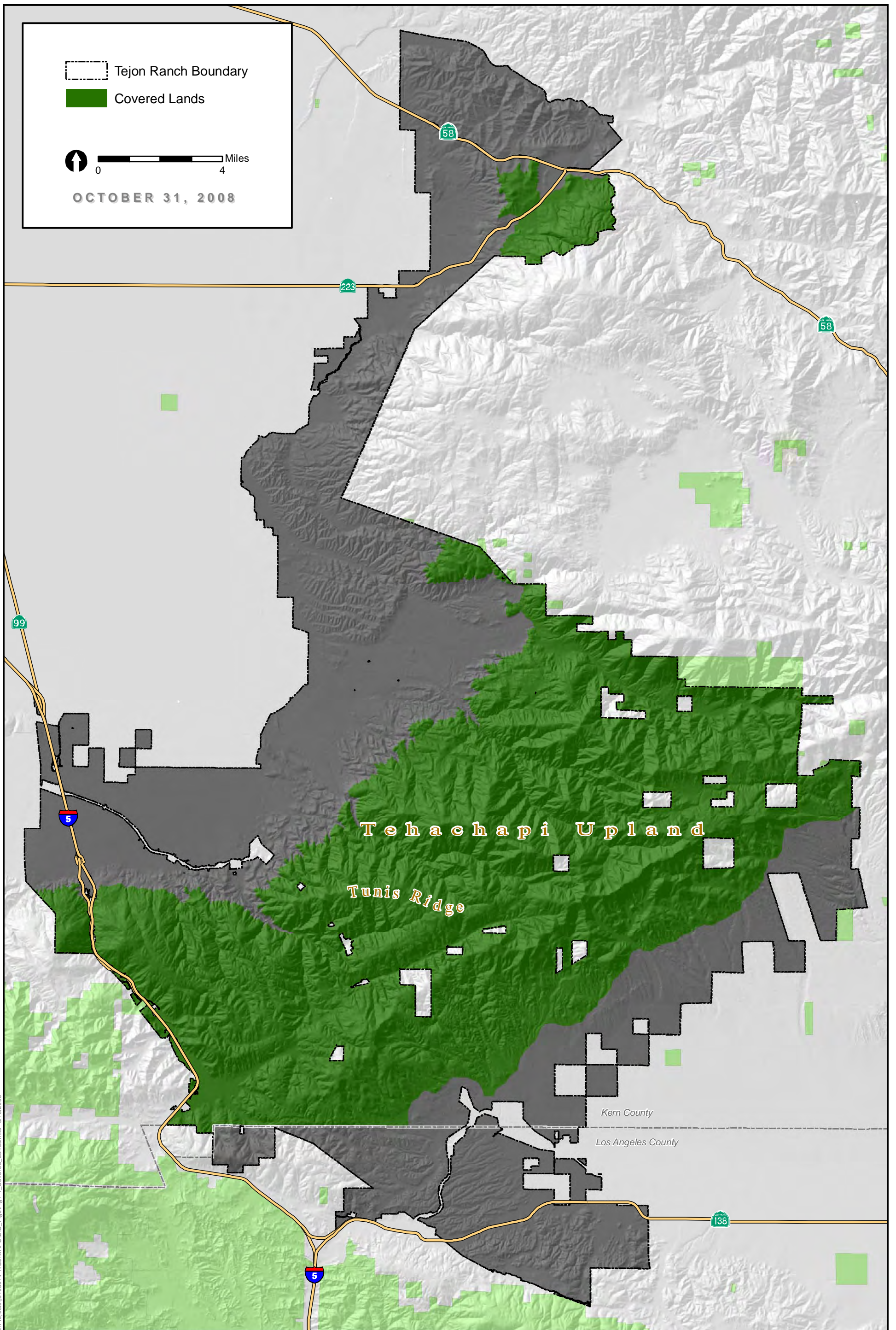
The National Environmental Policy Act (NEPA) provides an interdisciplinary framework to ensure that federal agency decision-makers consider the effects of their actions on the environment. Under NEPA, any major federal action that may significantly affect the quality of the environment requires the preparation of an Environmental Impact Statement (EIS).

Issuance of an ITP pursuant to the proposed MSHCP could result in significant environmental effects. Therefore, preparation of an EIS to consider the effects of the proposed action is necessary. This EIS is an informational document intended to provide federal agencies, responsible or other interested agencies, and the public with an assessment of the potential environmental effects associated with issuance of an ITP by the United States Fish and Wildlife Service (FWS or Service) based on the proposed MSHCP. This document will evaluate the potential environmental consequences associated with project alternatives, including the No Action/No MSHCP Alternative and the Proposed MSHCP Alternative. This EIS has been prepared in compliance with NEPA and the Council on Environmental Quality (CEQ) regulations (40 CFR 1500–1508).

1.2.2 Purpose of the MSHCP

The purpose of the MSHCP and ITP issuance for which this EIS is being prepared is to:

- Protect, conserve, and enhance the Covered Species and their habitat for the continuing benefit of the people of the United States;
- Provide a means and take steps to conserve the ecosystems on which the Covered Species depend;
- Ensure the long-term survival and recovery of the Covered Species through protection and management of the species and their habitat;
- Ensure compliance with the FESA, NEPA, and other applicable Federal laws and regulations; and
- Support TRC's application for an ITP for the Covered Species pursuant to FESA Section 10(a)(1)(B) and its implementing regulations and policies.

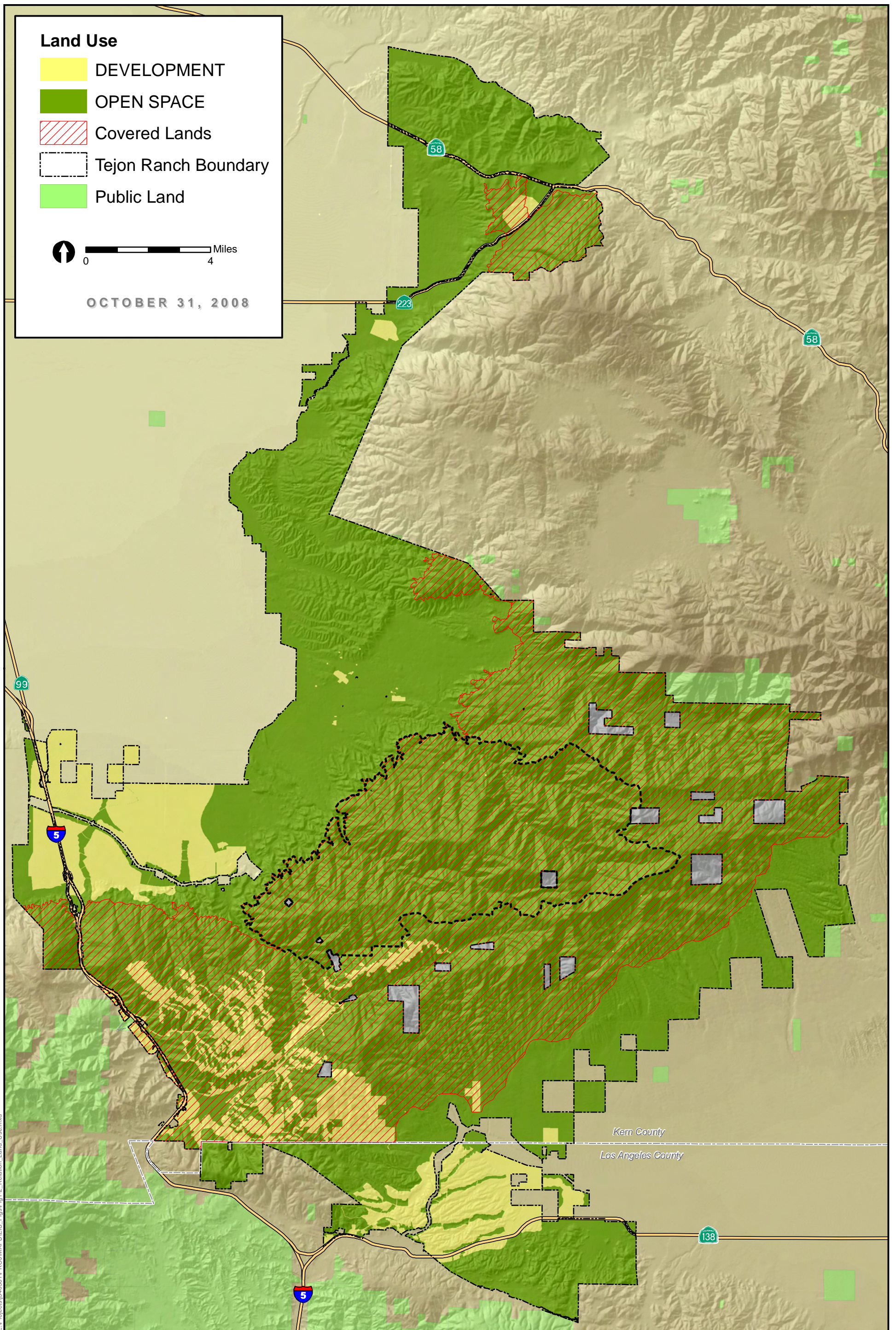


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TEHACHAPI UPLAND MSHCP DRAFT EIS
Covered Lands

FIGURE
1.1



DUDEK

TEHACHAPI UPLAND MSHCP DRAFT EIS
Relationship of Tejon Ranch Conservation and Land Use Agreement to Covered Lands

FIGURE
1.2

1.3 FEDERAL ENDANGERED SPECIES ACT

Section 9 of the FESA and federal regulations pursuant to Section 4(d) of the FESA prohibit the take of endangered and threatened fish and wildlife species, respectively, without special exemption. "Take" is defined by the FESA as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The term "harm" in the definition of take is further defined by federal regulation to mean "an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns including breeding, feeding, or sheltering" (50 CFR 17.3). "Harass" in the definition of take is defined by federal regulation to include "an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding or sheltering" (50 CFR 17.3).

The FESA provides mechanisms for authorizing otherwise prohibited take. One of these is the incidental take permit process under Section 10(a)(1)(B) of the FESA. Incidental take is defined by the FESA as take that is "incidental to, and not the purpose of, the carrying out of otherwise lawful activities." Under Section 10(a) of the FESA, an incidental take permit can be obtained provided the permit applicant submits to the Service a conservation plan (often termed a habitat conservation plan or HCP) that satisfies Section 10(a)(2)(A) of the FESA, and provided the Service determines that the habitat conservation plan meets the issuance criteria of Section 10(a)(2)(B) of the FESA. The Tehachapi Upland MSHCP has been prepared pursuant to these requirements.

1.3.1 Federal Regulatory Provisions Relating to the Issuance of an Incidental Take Permit

FESA Section 10(a)(2)(A) requires an ITP applicant to submit a habitat conservation plan to the Service as part of the permit application. As outlined in FESA Section 10(a)(2)(A) and federal regulation [50 CFR 17.22(b)(1), 17.32(b)(1), and 222.22], a conservation plan submitted in support of an ITP application must detail the following information:

- Impacts likely to result from the proposed take of the species for which permit coverage is requested;
- Measures the applicant would undertake to monitor, minimize, and mitigate such impacts;
- Funding that would be made available to undertake such measures and the procedures to deal with changed and unforeseen circumstances;
- Alternative actions to such take the applicant considered, and the reasons why such alternatives are not being utilized; and
- Additional measures that the Service may require as necessary or appropriate for purposes of the plan.

The FWS and the National Marine Fisheries Service (NMFS) published a final addendum to the 1996 HCP Handbook on June 1, 2000 (65 FR 35242). This addendum, also known as the Five-Point Policy, provides clarifying guidance for the two agencies in conducting the ITP program and for those applying for an ITP under Section 10(a)(1)(B) of the FESA. The five components addressed in the policy are: (1) biological goals and objectives, (2) adaptive management, (3) monitoring, (4) permit duration, and (5) public participation.

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The Service's decision to issue a permit is based on whether an HCP meets the following statutory and regulatory permit issuance criteria found in FESA Section 10(a)(2)(A) and 50 CFR 13, and 50 CFR 17.22(b) and 17.32(b), respectively:

- Take will be incidental;
- Take will not appreciably reduce the likelihood of survival and recovery of the species in the wild;
- Applicant will mitigate and minimize the impact of the taking, to the maximum extent practicable;
- Applicant will ensure adequate funding for the conservation plan and changed circumstances;
- Applicant will provide procedures to deal with unforeseen circumstances; and
- Any other measures required by the Director of the Fish and Wildlife Service (e.g., Implementation Agreement).

1.4 DECISIONS TO BE MADE

The Service would be responsible for issuing or denying an ITP for the Covered Species. Pursuant to the FESA, the Service may issue a permit authorizing take incidental to an otherwise lawful activity conditioned on implementation of the applicant's MSHCP together with other measures specified by the Service. The Service would also be responsible for issuing a Record of Decision (ROD) through the NEPA process and for executing the Implementing Agreement (IA).

1.5 PUBLIC OUTREACH AND SCOPING PROCESS

1.5.1 NEPA Scoping Process

CEQ regulations for implementing NEPA require a process, referred to as scoping, for determining the range of issues to be addressed during the environmental review of a proposed action (40 CFR 1501.7). Through the scoping process, comments are solicited from agencies, organizations, and individuals to assist the Service in identifying environmental issues to be addressed in the EIS.

The following sections explain the scoping process used for the MSHCP EIS and the resulting comments received from the public.

1.5.2 Notice of Intent

Pursuant to NEPA, the Service is required to advise the public that it intends to gather information necessary to prepare an EIS on a habitat conservation plan and alternatives to be included in the EIS. A Notice of Intent (NOI) to prepare an EIS for the original Condor HCP was published in the Federal Register on June 25, 2004 (69 FR 35664). The NOI announced a 30-day public scoping period that ended on July 26, 2004. In response to the NOI, written comments were received, including e-mails from governmental agencies, private organizations, and individuals.

As a result of comments received during the public scoping period for the Condor HCP, the applicant decided to revise the habitat conservation plan to delete the request for lethal take of the California condor to conform to the prohibition on lethal take of individuals under applicable California law, to clarify that hunting was not a Covered Activity, and to add additional species to provide for a more comprehensive and integrated species protection program on the Covered Lands. On March 26, 2008, an NOI to prepare an EIS for the Tehachapi Uplands MSHCP was published in the Federal Register (73 FR 16052). The NOI announced a 30-day public scoping period that ended on April 25, 2008. In response to the NOI, written comments were received, including e-mails from governmental agencies, private organizations, and individuals.

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In order to clarify the proposed actions and correct a posting error, a new NOI was published on June 4, 2008 (73 FR 31876). The NOI announced a 30-day public scoping period that ended on July 7, 2008. In response to the NOI, additional written comments were received.

1.5.3 Public Scoping Meetings

In July 2004, the Service conducted two public scoping meetings at Frazier Park, California, as part of the 30-day public scoping period for the original Condor HCP. The intent of the public scoping meetings was to obtain public input on the issues to be addressed in the EIS. In attendance at the public scoping meetings were representatives of the Service, TRC, interested members of other public agencies, interested persons, and environmental consultants. Between 35 and 70 people attended the two meetings.

No additional public scoping meetings were held after publication of the NOIs for the MSHCP in March and June 2008. These NOIs stated that public meeting comments received during the previous scoping periods would be considered in the preparation of the EIS.

1.5.4 Issues Raised During the Scoping Process

Approximately 765 written comments were received during the scoping periods for the Condor HCP and the MSHCP. The Service continued to receive comments after the formal scoping period for the original HCP that are also part of the public record. All comment letters received in response to the three NOIs are included in Appendix A.

During the course of the three comment periods, comments were received from:

List of Commenters— 2004

Agencies

M. Kelly Brock
CNRSW Environmental
Department
Colonel P.S. Parkhurst
United States Marine Corps

Organizations

Ches Arthur
The Condor Group
Kerri Camalo
Defenders of Wildlife
Bill Corcoran
Sierra Club
Kim Delfino
Defenders of Wildlife
Margaret Feldmann
California Academy of
Sciences
Adam F. Keats
Center for Biological Diversity
Maryann Lanew
Friends of Animals
Julie Teel
Center for Biological Diversity

Sylvia Vieyra
Audubon Society

Public Comments

Richard
Shirley
Young
Beverly
George
Temura
Sandra
James
Theresa Acerro
Sally Ades
Zena Alam
Dave Alexander
Della Allen
Liz Anderson
Amy Anderson
Bette Anderson
Chester Anderson
Eric Roy Anderson
Penelope Andrade
Dennis Andresen
Kathleen M. Angulo
Gary R. Ansorge
Karen Anthony
Debra Armani
Linda Arms

Rev. Charles L. Arnold
Chester A. Arthur
John B. Ashbaugh, Ph.D.
David Attwood
Christina Babst
Nancy Bacal
Stanley Baczynski
James Badham
Jean Badraun
Frank Baele
Mary Baker
Karl Ball
Alesha Ballon
Brigitte Bard
Julie Barnett
Sina Barney
Zdravko Barov
DU Bartsch
Dr. Ann Bass
Saskia Baur
Karen J. Bavouset
Joslyn Baxter
Hannah Beadman
Tandy/Jon/ Beal/Scoville/
Dennis Beall
M. Beck
Joseph Belli
Paul Belz
Julia Benedetti

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Roy L. Benedict	Mike Clipka	Mary C. Ferris
Bennett	John Cochran	Marcia Field
Suzanne Benton	Claire Colangelo	Michael Filip
Rocel Bettencourt	Pamela Conley	Stuart and Rachel Fischhoff, Ph.D.
Randy Biehler	Olga Connolly	Katherine Fleming
Angela Black	Edward C. Copper	Sherry Ford
Richard Blain	Candance Cover	Dorchen Forman
Paticia C. Bleha	Paul Covington	Liz Fowler
Karen Blochland	Elizabeth Cramer	Lee Frank
Paul Blum	Tom Cramer	Marian Fricano
Mark Bonar	Tobey Crockett	Marian E. Fricano
Elysia Boozer	Nelcha Cross	Wayne Frisbie
Janet Boucher	D.C.	Diane Frost
Nan Singh Bowman	Lisa Dadgar	Simone Gad
Paul Breitzkreuz	Ardis Dahl	Sonya M. Garbutt
Eleanor Brennan	Dolores and Ira Dahm	Mary Garripoli
Marilou Brewer, N.D.	Patti Dalby	Mr. Blaise Gauba
Mort Brigadier	William R. Dane	Linda Gaunt
Clinton Briggs	Kristi Daniel	Corrine Gearhart
Sarah Brinker	Connie Davidson	Meg George
Ann Brinker	Muriel Dawkins	Christien Gholson
Dan B. Bristol	Sandra de Banes	Kim Giancaterino
Lisa Brocco	Francois de la Giroday	Barbara Ginsberg
Allison Brooker	Jan de Leeuw, PhD	Janet Girard
Evelyn Brooks	Peter de Lijser, Ph.D.	Dianna Glidden
Dolores Brown	John Deakin	Brian M. Godfrey
Kata Steel Brownell	deGrosse'	Captain A. J. Gonzales
Elizabeth Bryson	Anna Dekeyan	Cathrine Gonzalez
Michelle Buchanan	Dolores Delgado	Lois Gottfedson
Dr. Sean G. Buchanan	George Dell	Heather Goulet
Melanie Lake Buerkle	Denise DeMaras	Catherine Graham
Derek Bunyan	Mr. and Mrs. James L. Denison	Cici Granstedt-Hallberg
Rachel Burnage	Sara Diehl	David Grant
Ferol Burris	Jessica Dillon	Lisa Gray
Karen Butler	Cheryl DiMatteo	William Grgurich
Leona M. Butts	Mary Dolan	Mr. William L. Grgurich, Jr.
Karen Byers	Linda and David Drake	Laura Griffin
Jennifer Cadkin	Lisa Dufur	Mary J. Griffin
Max Calvillo	CJ Dupont	Freda Grozdanic
Bruce Campbell	DVM, Phd	Narlene Guest
Patricia L. Campbell, LCSW	Susan Dzienius	Kimberly Ann Halizak
Ann Cantrell	Christine Earl	Kristen Hammer
Sue Carnevale	Jeri Edwards	Catherine B. Hanan
Marian Carter	Raymond A. Edwards	Briahlen LouAva Hand
Nicky Carter	Lynne Eggers	Chris D. Hanks
Pamela A. Carter	Sammy Ehrnman	Lynne Harkins
Maureen Celusta	Ms. Kia Eichert	Joanne Harkins
Alice M. Chace	Bobbie Eimers	Barbara L. Harlan
Elaine Charkowski	Christine Elowitt	Gabrielle Harradine
Jan Charvat	Susan Emblen-Richtsmeier	Walter C. Harris
Carolynn Chase	Maria Emmetti	Ann L. Harris
Felicia Chavez	Claire Englander	Mary Ellen Harte, Ph.D
Steven and Mari Cheng	Dinda Evans	Karen Hartland
Michele Cheyovich	Michael W. Evans	CJ Hathaway
Karen Chinn	Linda Lee Evans	Robert C. Haugsten
Vicki Clark	Tracy Ewing	Julie Barrett Heffington
Lois and Bill Clark	Constance Faber	Dana Heimback
Chuck Cline	Maria Farina	

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Monte Hellman	Louis Lassen	Linda Miles
Kay Alina Helstrom	Yvonne Latshaw	Leslie Miller
Heide Hennen	Mary R. Lee	Kent Miller
Caroline/ Maureen	Jennifer Lehr	Chuck Miller
Hennig/Farrell	Simon Levy	Sharron Miller
Elizabeth Herbert	Mrs. Dorothy Lewis	Lani Minella
Margaret Hillary	Suzanne Licht	Tammy Minion
Paul F. Hillery	Jean Lindgren	Susan Mokolke
Susan/Roberta Hoard/Bristol	Donald Lipmanson	Richard Montoya
Marissa Hodge	Judith Lippincott	Sid Moore
James R. Hoerr	Christopher Lish	Manuel Morales
Judy Hogan	Steve and Pam Lock	Miss Kerin Morataya
Steven Hoover	Suzi Lonergan	Jana Morphis
Marinka Horack	Brigitta Lopez	Alan Morris
Barbara Hurtig	Elizabeth Lopez	Sharon Mosel
Neil Hyytinen	Robert M. Lowen, MD	Homer Mosley
Thomas Irion	Pamela Loy	Zahir Movius
Lisa H. Iyer	Bill Lusebrink	Sandra Mullen
Glori James-Suarez	Kathleen Lynch	Samantha Murphy
Marilyn Jasper	Hillary M	Elizabeth Murphy
Lynne Jeffries	Sonia Maasik	Adele Myers
Renee Jeska	Linda MacKay	Mary Nash
Kate Jewell, ND	Ivan Magana	Bonnie Nelson
Blanca Jimenez	Magee	Harry Nelson
Gary Joffe	Russell F. Maginnis	Thomas Nelson
Nic Johnson	Ann/Marjean/ Mahan/	Bonnie Nelson
Janine Johnson	John M. Mahoney	Anthony Newhall
Michele Johnson	Sunshine Makarow	Darlene Nichols
Captola Johnson	Monica Malone	Gemma Nierman, PhD
David L. Johnson	Thomas F. Manning	Robert J. Nikora
Karen Jolliffe	Susan Marchetti	Linda Nitti
Walter R. Juchert	Martin Marcus	Ian Noah
Angie Kalmar	Susan E. Marfield	Jill North
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Tamsin Kendall	Lara Martin	Julie Ostoich
John Kimble	Ms. Elandriel Martin	Peter Ourusoff
Babette Kinkead	Rudolf Martin	Claire Overnack
Karisha Kirk	Sue Ellen Martin, M.D., Ph.D.	Jackie Owens
Lorraine Kitman	PJ Masters	Jan Paley
Paul Klahr	Thomas Maufer	Emily Palko
Joanne Klein	Wade Mayer	Robert Palmer
Dorie Klein	Richard P. Maynard	Margaret Palmer
Susan Kline	Darlene McCray	Pinky Jain Pan
Joel Klipp	Mary Dennehy McDevitt	Dorie Parrish
Jan A. Knapp	John McEvoy	Michele Parsons
Charles Kohlhase	Karen McKinnon	Cappi Patterson
Dorine Kramer	Janet H. McLaughlin	Helen Paul
Gary Kreutz	Gene and Eileen McPhee	Johanne Peale
Jeff Krone	Meribeth Meachem	Cheryl Pebley
Mrs. K. R. Krupinski	Barbara Meazell	Marsha Penner
Jane A. Kulick, RN	Daniel Medic	Mary Perner
Kimberly Kurcab	Betty Medley	Judy Perry
Barbara La Clair	Miss Tristi Megas	Christine Joy Pescod
Peter Lafollette	Sara Megling	Doug Peters
Barbara Laing	Judy Meredith	Mr. Dale Peterson
Sloane Lamb	Patricia Meyer	Gwen Phillip
Beth Lamont	Stephanie Meza	Gwen Phillips

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Carolyn Radlo
Adrian Rahardja
Gaylen Raisler
Kathryn Reaser
John Rebney
Stephanie Reese
Claude Reichard
Maria E. Rencher
Debra Reynolds
Dave Rhodes
Ruth Rich
Vivien Richards, Ph.D.
Heather Richman
Linda L. Rickter
Heather Rider
Christine Ridgway
Mara Rigge
John Roach
Marshall and Rosenberg
Marilyn Royal
Dr. Amanda Sue Rudisill
Ron Russillo
Liz Ryan
Jessica Ryskind
B Sachau
Cheryl Sale
Celeste Sales
Gary Sanders
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Judy Schriebman
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Sid Shapiro

Carol Shapiro, RN
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Tina Shively
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Mavis Smith
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Julie Thayer
Janet Thew
Denice Thibeault
Joanne Thielen
Jess Thomas
Leonard Thomas
Jackson W. Thomas
Norman Toback
Rick Tomasello
Barbara Tonsberg
Bill Tover
Anabelle Travis
Susan Trout
Mr. Martin E. Tucker
Mark S. Tucker
Cynthia Tyler
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Uriel Ulam
Bobbie Vance
Judith K. Vaughn
Arisa Victor
Darlene Viggiano
Michael Vincent

Gretchen Vogel
Lynette Wainwright
Lynette A. Wainwright
Felicity Wallis
Teresa Walsh
George S. Walsh
Robert T. Warner
Stephen H. Watson
Lois Watson
Pamela Wegner
Mr. and Mrs. Weir
Linda White
Dan Whitesell
Lloyd Wiens
Sherri Wilkinson
Mike Williams
Deborah J. Willis
Leslye and Tom Wing
Norma L. Winner
Becky Wlibanks
Jeffrey Womble
Sandy Woolf
Helga L. Wright
Pauline Wright
Mary York
Mark A. York
Leslie Yost
Ryan Young
George Young
Kate Young
Valerie Zachery
John Zediker
Suzi L. Zweiner

Comments Received After End of 2004 Scoping Period

Agencies

Lorelei H. Oviatt, AICP
Kern County Planning
Department
C. Laura Thornton
United States Marine Corps

Organizations

Clarissa E. Kearns
The Center on Race, Poverty &
the Environment
Karin van Hoek, M.D.
Kind Heart Institute
Dean Webb
AV Group of the Sierra Club

Public Comments

Ray Addobati
Clifford E. Anderson

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Rudell Avent
Adrian A. Barnett
Shawn Bert
Joline Bettendorf
Karol L. Biggar
Patricia J. Booth
Jean D. Brandt
Lynn Braun
Susan Brown-Top
Melanie Lake Buerkle
June Craven Caldwell
Judith Cardina
Chris Caretto I
Cynthia Carley
Carole A. Chapman
Carolynn Chase
Candida Condor, Psy.D.
Debra Cunningham
Lynda White Daniels
Victoria Davis
Pat/David Davis/Plesh
Margo J. deGrosse
Maria Diekmann
Linda & David Drake
Kay Durkee
Meredith Dyer
Chris Eaton
Claude G. Edwards
Kathi Ellsworth
Del Emory
Virginia Evjion
Ann Flower
Sharon Ford
L.F. Frasson
Josh and Melissa Gabel
Phyllis Gardner, MD
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Kellie Geldreich
Desiree Grisham
Robert K. Gronendyke
Mary Haenschke
Kay Hall
Marjorie Hayes
Julie Barrett Heffington
Patricia Heirs
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Marja Hoerner
Marinka Horack
Davielle and Mark Huffman
Leslie Hunt
Patricia Hyman
Michael and Lisa Iessa
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Margaret A. Palmer
Linda Partyka
Marilyn Peppin
Ms. Randi Perkins
Philip Ratcliff
Judy Perry
John Petersen
John and Nuri Pierce
Richard C. Placone
Judith Pynn
Dr. Caroline Quetzal, M.Ed.,
Mara Quinlan
Dave Rossetti
Bob Rozett
Celeste Sales
James R. Sams
Greg Sanders
Diana Schweickart
Paula and Larry Shuman
Nancy Siebuhr
Kay Stewart
Renee P. Snyder, Ph.D.
Judy Stanhope
June Stoltz
Robert B. Stone, M.D.
Nathan Daniel Stout
J.F. Sudmann
Richard Teraoka
Julie Thayer
Ms. Jami Tolpin
Jeanne Townsend
Steve Tyler

Arthur Unger
Gregory Vanderlaan
Virginia Volk-Anderson
Suzanne von Dallwitz
Katherine von Damm
Lynette A. Wainwright
G S Walsh
George S. Walsh
Nancy E. Warner, M.D.
William Russ Watts
Lois Watson
Richard Woerpel, D.V.M.
Irwin Woldman
Diane Woodward-Frost
Ann Wride

List of Commenters— 2008

Agencies

Paul Amato
USEPA
Lucy Clark
Kern County CNPS
Cheryl Casdorff
County of Kern Planning
Department
W.E. Loudermilk
California Department of Fish
and Game

Organizations

Ileene Anderson
Center for Biological Diversity
Kim Delfin
Defenders of Wildlife
Kelly Sorenson
Ventana Wildlife Society

Public Comments

Mary Adams
Steven L. Anderson
Elizabeth Anderson
Nicole Antebi
Philip Bettencourt
Vicki Bingaman
Daniel Brodo
Gary Cannone
Jan de Leeuw
Julie Demer
Angela Denny
Colin Dicken
Ken Ehliit
Kenneth B. Fry
Roger Gambs
Mary Griffin
Donald Heintzelman
Robert Herbert

TEHACHAPI UPLAND MULTI-SPECIES HABITAT CONSERVATION PLAN

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Chapter 1.0 Purpose and Need for Action

Nancy C. Hurst
Charles Irvin
Letitia F. Ivins
Zach Kaplan
Leeona Klippstein
Gary Kuehn
Chloe Ladd
Cynthia Lee
Jennifer Levi
Jim and Fae Lumsden
Bridget Marrin
Allan Mee
Victoria Moore Martin
Tom McKenzie

Stanley Moore
Harry and Gita Nelson
Jody Lee Olhava
Michael Parker
John and Julia Patton
Alison Pearlman
Amy Rafti
Janet Sarbanos
Lee Anne Schmitt
Helen Snyder
Noel Snyder
Michael Stiles
Janine Tominaga
Mel and Kathleen Weinstein

Jason Zevin

Comments Received After End of 2008 Scoping Period

Public Comments

Jan de Leeuw
Mary Ann Lockhart

The following section summarizes the scoping comments received related to the EIS:

Project Scope. The MSHCP should encompass the full range of natural communities and wildlife diversity and should emphasize the rarest species and most important habitat. The Plan should be developed based on sound, independent science, and should thoroughly cover impacts on all Covered Species, including cumulative impacts. The MSHCP should include an adaptive management program, detailed monitoring and management plans, and goals and objectives for each Covered Species, and it should ensure sufficient funding is available to cover all commitments. The Plan should also detail how it will be enforced, especially regarding lands to be preserved. The protection of and contribution to the recovery of Covered Species should be ensured, and the meaning of protection should be made clear. Concerns were expressed regarding the "no surprises" assurances, and requests were made to include additional species and a natural community conservation plan.

Public Process. The public review and comment process on the EIS and MSHCP should be open and transparent and provide ample opportunity for public input. Some commenters expressed criticism about the project to date, indicating that insufficient information has been made available. Some requests were made to release related documents in advance of the EIS. A request was also made for early identification of the mechanism for CEQA compliance.

Biological Resources. Commenters emphasized the need for an adequate analysis—including mapping, surveys, and baseline inventories—and independent and highly-qualified researchers and analysts. The impacts on California condors and other species from development (including habituation) should be analyzed, as well as impacts on habitat (especially critical condor habitat), habitat linkages, and the effect of the MSHCP on the long-term survival and recovery of the Covered Species. Cumulative impacts should be evaluated. Adequate and well-described mitigation and protective measures for plants and animals should be included, in particular with regard to the preserve system; actions already underway, such as a ban on lead ammunition, should not be credited as mitigation. The long-term monitoring and enforcement of ITP conditions must be assured. Some commenters requested including other species in the EIS analysis, and analyzing impacts on Covered Species outside the project boundary.

Water Resources. Impacts on water supply and water quality should be thoroughly assessed, and any plans for water diversion should be analyzed. The potential impacts of the MSHCP on regional water supply should be given particular attention because of the region's water shortage, and attention should be given to the adequacy of water supply for Covered Species. One commenter expressed concern about the potential impacts of water fluoridation.

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Air Quality. The EIS should evaluate impacts of development on air quality. Impacts on climate change and from climate change on Covered Species should be analyzed.

Cultural Resources. Concern was expressed about how Native American issues are addressed and mitigated, especially given the ceremonial and cultural significance of the California condor to the Chumash tribe.

Community Resources. With regard to land use, commenters asked that impacts of the project on adjacent public lands be considered and asked whether the historic impacts of grazing would be considered. One commenter expressed concern about the potential hazards of powerlines and urged that powerlines be placed underground. Comments related to public services included a request that effects on services provided by other agencies (e.g., fire, police, libraries, and schools) be analyzed, and that the effects of fire protection and defensible zones be considered.

Transportation. Impacts of large development on traffic should be thoroughly analyzed, as well as expected changes in interior road systems. One commenter stated that the project applicant should coordinate with the U.S. Military regarding military training routes.

Alternatives. One commenter urged that an alternative be considered that re-sited the potential Tejon Mountain Village (TMV) development. Another commenter requested that the TMV development be restricted to areas west of the California Aqueduct crossing through Bear Trap Canyon and the Department of Water Resources service road, that a low-income housing component be included in the development, and that a minimum of 20 acres be allotted for each home site.

Hunting. Some commenters asked why hunting is excluded from the Covered Activities, and asked that the effects of hunting on Covered Species be considered. One commenter asked whether rules would be imposed to restrict or ban hunting. Commenters noted the threat of lead poisoning to California condors and other endangered species, asked that all sources of lead be identified, and requested that approaches to prevent lead presence on the Covered Lands be considered. One commenter noted that compliance with requirements to minimize the risk of hazardous chemicals to California condors should be ensured.

Additional Issues Included in EIS. All of the issue areas identified above are addressed in this EIS. In addition, the following potentially significant effects were identified and are analyzed in this EIS: Geology and Soils, and Visual Resources.

Additional Issues Raised. One commenter requested analysis of growth-inducing impacts resulting from the removal of barriers to growth. Although no specific growth-inducing impacts section is included in this EIS, the effects of removing barriers to growth that would result from approval of the MSHCP are addressed throughout this EIS.

One commenter expressed concern that the resources spent on California condor recovery efforts would be wasted if the MSHCP is approved. An evaluation of the effectiveness of California condor recovery actions is beyond the scope of the analysis in this EIS.

1.5.5 Identification of Potentially Significant Issues

Issuance of an ITP associated with the MSHCP could result in potentially significant effects to the resources listed below:

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- Biological Resources;
- Water Resources;
- Air Quality;
- Geology and Soils;
- Cultural and Paleontological Resources;
- Visual Resources;
- Community Resources; and
- Transportation and Circulation.

Chapter 3 discusses the current conditions for each of the resources identified above. Chapter 4 discusses the potential effects of the Proposed Action and its alternatives to these resources.

1.6 RELEVANT STATUTES, REGULATIONS, AND GUIDELINES

This EIS has been prepared in compliance with various federal, state, and local statutes and guidelines, as discussed in more detail in Chapter 4. Relevant statutes and regulations include:

- NEPA of 1969, as amended (42 U.S.C. 4321, et seq.);
- Council on Environmental Quality NEPA Regulations (Title 40 CFR Parts 1500–1508);
- FESA of 1973 (16 U.S.C. Sections 1531–1544, et seq), as amended;
- California Endangered Species Act (California Fish and Game Code, Section 2014, et seq.);
- Fish and Wildlife Act of 1956 (16 U.S.C. Sections 742[a]–754);
- Migratory Bird Treaty Act of 1918 (16 U.S.C. 703–712);
- Federal Water Pollution Control Act (33 U.S.C. 1251, et seq.);
- Porter-Cologne Water Quality Control Act (California Water Code, Section 13000, et seq.);
- Federal Clean Air Act (42 U.S.C. 7401, et seq.);
- California Clean Air Act (California Health and Safety Code, Section 39000, et seq.);
- National Historic Preservation Act of 1966 (16 U.S.C. 470);
- California Surface Mining and Reclamation Act (California Pub. Res. Code, Section 2710, et seq.).

1.7 ORGANIZATION OF THE EIS

This EIS consists of an Executive Summary, nine sections, and two appendices. Following is a brief description of the content of each section and appendix.

- **Executive Summary**—provides a summary of the proposed action and alternatives and the results of the environmental analysis, including the significant environmental impacts/effects and the proposed mitigation measures contained in the EIS.
- **Section 1.0 Purpose and Need for Action**—describes the purpose and need for action, purpose of the EIS, the relevant statutes, regulations, and guidelines, and the organization of the document.
- **Section 2.0 Project Description/Description of Alternatives**—describes the process used to formulate the alternative scenarios, the proposed action, and alternatives that are discussed and analyzed in the EIS.
- **Section 3.0 Affected Environment**—describes the current environment that could be affected by the alternatives analyzed. Issue areas identified include biological resources; water resources;

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air quality; geology and soils; cultural and paleontological resources; visual resources; community resources; and transportation and circulation.

- **Section 4.0 Environmental Consequences**—analyzes and compares the environmental consequences of implementing the various alternative scenarios.
- **Section 5.0 Additional Topics Required by NEPA**—addresses additional impacts relating to growth-inducing effects; the irreversible or irretrievable commitment of resources; and significant irreversible changes to the environment.
- **Section 6.0 Organizations and Persons Contacted**—identifies the organizations and persons consulted during preparation of the EIS.
- **Sections 7.0 List of Preparers**—identifies the list of preparers of the EIS.
- **Section 8.0 References**—provides references for cited materials.
- **Section 9.0 Acronyms**—provides a list of acronyms used in the document.
- **Appendices**

